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# POLITICAL SCIENCE QUARTERLY.

## A PERMANENT CENSUS BUREAU.

THE census of the United States is a stupendous example of the fatuity of paying generously for the attainment of a certain object, and then neglecting the practical means by which alone it can be attained. We appropriate enormous sums of money, we employ thousands of clerks, we issue tons of printed matter, our officials fume and sweat under their burdens, Congress passes supplementary acts, one after another — only to have the whole undertaking break down through the defects in the administrative machinery which simple common sense ought to have remedied. The census of 1870 was conducted under the antiquated and entirely insufficient law of 1850. In 1880 the law was changed; but so much was then undertaken that the office broke down, great delay ensued in publishing the results, and part of the data collected was not even tabulated. In 1890 great promises were made that the scope of the work should be reasonably restricted, that the material should be elaborated with scientific care, and that the results should be quickly made accessible. These promises have not been fulfilled. Notwithstanding improved methods of tabulation and an expenditure of money unparalleled in the census work of any country, we are going through the same old experience — volumes filled with non-census matter, and insufferable delay in printing the really important facts. A single miscalculation of this sort might be excusable; but to repeat it, decade after decade, argues not only gross extravagance but lack of administrative ability.

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The reason for the failure of our decennial censuses has been pointed out again and again. It is impossible at a moment's notice to improvise a great scientific bureau, able to carry the burden which the census imposes upon it. When this impossibility is attempted, the work is ill done, and the experience gained is thrown away by disbanding the office just as it has learned something. Both theorists and practical statisticians, such as Walker, Wright and Porter, have repeatedly emphasized this fatal weakness in our system. Congress, at last aroused, has recently instructed the Commissioner of Labor to report for its consideration, as soon as practicable, a plan for a permanent census service. The American Economic Association and the American Statistical Association have, moreover, appointed committees to urge upon Congress the necessity of improved census methods. With such unanimity of opinion in regard to the desirability of reform, it is to be hoped that something will be accomplished, and that we shall approach the census of 1900 with adequate technical equipment and scientific organization.

The attainment of more accurate and quicker results is not, however, the only problem connected with the establishment of a permanent census bureau. Discussion of the proposed refc brings up at once the whole question of the statistical activ of the federal government; and that involves the consideratio of the abundance and trustworthiness of the material, at the most important source of supply, for the study of social and economic conditions in this country. This question is of importance not only to economists and sociologists, but also to publicists and statesmen, to social reformers and philanthropists, to business men, and to all others interested in the economic and social condition of the country. Passing by, therefore, the consideration of the technical organization of such a service, with which the officials at Washington are competent to deal, I purpose to point out briefly some of the scientific advantages to be attained.

There has been much dispute as to whether the statistical activity of a government should be directed solely by adminis-

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trative considerations of the usefulness of the statistics for directing state action in the narrow sense, or whether an effort should be made to gather information solely or predominantly of scientific interest. In many cases the two functions are combined. Thus, the enumeration of the population of the United States is primarily for the purpose of assigning representatives; but the minute classification of the people, according to race and nationality, birthplace and nativity, sex, age, conjugal condition, *etc.*, is for scientific purposes and sociological information. Again, the statistics of imports and exports are the direct result of the activity of the Treasury Department, and form a basis for taxation and tariff legislation; but they are also of interest to the commercial world and to the student of economics. The statistical office must meet the first requirement, and in all civilized countries strives as far as possible to meet the second. The interesting problem for us is to decide how far it is possible to meet the second without neglecting the first, and what is the best organization for doing it.

The statistical activity of governments seems to have been inspired at first mainly by administrative reasons. Military and financial considerations led to an enumeration or estimate of the number of the people, or to a description of landed property and the status of the owners and occupiers. Block[1] says that Sully organized in France, towards 1602, "un cabinet complet de politique et des finances," which may be considered as the first bureau of statistics. The reports demanded by Sully embraced the condition of the army, of the marine, of the finances, and of a great number of branches of administration. Louis XIV, toward the end of his reign, demanded from his intendants detailed memoirs concerning the condition of the provinces, including their population, finances, industry, *etc.*, and the collection in manuscript filled forty-two volumes. François de Neufchateau, Minister of the Interior, organized in 1796 a bureau of statistics, but it does not seem to have survived the changes of the revolutionary period. Under the Restoration, the Ministry of War commenced a useful publication concerning

[1] Traité de Statistique.

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the recruitment of the army. In 1819 the bureau connected with the administration of the customs was reorganized, and began to publish facts in regard to commerce. In 1825 a bureau for judicial statistics was founded; and in 1834 the "bureau de statistique générale de France" was created and attached to the Ministry of Commerce. Besides these Block enumerates a "bureau des subsistances" attached to the same department; a bureau of statistics of mines and one of railways, founded in 1846, both attached to the Ministry of Public Works; a bureau of statistics of education, 1876; and a central bureau of statistics of finance, founded in 1877. The history of France thus shows the way in which successive departments tried to collect and make use of the statistical information which came to them in the course of their work. A precisely similar line of development may be traced in England; and the recent article of Mr. Carroll D. Wright, on "Contributions of the United States Government to Social Science,"[1] shows how the various departments of the federal government are engaged in collecting, each in its particular domain, a vast mass of information.

It is true that side by side with these administrative statistics others have been collected which we may say are primarily of scientific interest. The most significant step in this direction was the establishment of the Registrar-General's Office in England (1834), which has been very active in collecting statistics of births, deaths and marriages. Although all of these phenomena are in a way of importance to the administration, they are primarily of sociological interest. In the same way, the expansion of the schedules of our decennial census has been in the interest of science rather than from any direct administrative demand. The epoch-making occasions in this respect were the censuses of 1850 and of 1880. So, too, the establishment of the Department of Labor (1886) may be said to be a distinct recognition of the claims of scientific statistics. The still more recent establishment of a Bureau of Labor in France and of the Labor Department of the Board of Trade in England may be cited as indications of the same tendency.

[1] American Journal of Sociology, November, 1895.

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It is only recently, however, that so much attention has been paid to the demands of science, or rather of the general public. All through the middle of this century a great many complaints were heard that administrative interests were so exclusively in the minds of governmental officials that scant attention was paid to making the statistics of value to science. Traces of this discussion are to be found in the proceedings of the statistical congresses, in the parliamentary Blue Book of 1874 and in the long controversy waged among statisticians over the question of the centralization or decentralization of the work of taking statistics. The latter question still remains unsettled, or rather it is gradually working out its own settlement in practical compromises adapted to the administrative organization of each state. This question is, however, so closely related to the one we have before us that it will not be irrelevant to glance at the issues involved.

By decentralization is meant the historic system by which each department collects those statistics which are of direct interest to it, and in the form which is most useful for it. In favor of this system it is urged that each department is cognizant of its own needs; that each has the facilities for doing the work, generally in connection with its administrative activity and without extra expense; and that each has a practical knowledge, which no purely statistical department can have, of what is possible in the way of fulness and accuracy. A modern instance of the application of this line of reasoning is the action of the Interstate Commerce Commission in appointing its own statistician; and there are strong arguments in its favor.

By centralization is meant the establishment of some sort of central office which shall either gather the statistics itself and then distribute them, so to speak, to the various departments and to the legislature as they need the information, or shall, at least, exercise some sort of control over the various administrative departments, so that the whole statistical activity of the government shall be conducted on uniform, consistent and scientific lines. This may be done either by a central bureau taking the raw statistical material from the departments and

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attending to its tabulation and publication, or by a central office or commission prescribing the schedules which shall be used by the departments. Information collected by one department may thus be made useful to another whose wants are known to the central office and not to the other department. The general interest of science may be guarded by placing in the central commission some theoretical as well as practical statisticians, who can indicate the way in which by common arrangement and special manipulation the most can be made out of the material.

The advantages of some such central control are as follows: It would prevent a great deal of duplication. In some cases, different departments now collect and publish the same information or fragments of information pertaining to the same subject. Thus in England mortality statistics of the army, of the navy, of the metropolitan police and of convict prisoners are reported by different departments. Many departments, moreover, have zeal enough to collect and publish a great deal of information which is not of direct interest to them; but it is useless because it is fragmentary and buried in obscure departmental reports which never come to the knowledge of the public. In the parliamentary report (1874) already mentioned Mr. Robert Giffen said that the statistical publications of Great Britain covered 29,543 pages, of which 12,479 pages were repeated annually, and of these latter 7,216 pages were of doubtful value. I am not aware that any one has had the courage to make a similar estimate of the mass of the statistical publications of the United States or to characterize them according to their value. Such statistics of statistics, if undertaken by one of our expert officers familiar with the material, would be of the highest value and would furnish a fitting critical supplement to Mr. Wright's account of the "Contributions of the United States Government to Social Science."

The mere mass of material furnished by our government is sufficiently formidable; but when we remember that it is scattered through hundreds of reports and mixed up with thousands of pages of other matter, it becomes simply unworkable. For

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example, during the fiscal year 1893–94 our Department of Agriculture issued 205 publications, embracing 10,512 pages of printed matter; and of these publications, 3,169,310 copies were printed.[1] Contributions to social science dumped on us in this way can be of little service.

The usefulness of material like this may be impaired not only by its mass and its scattered condition, but also by such lack of uniform classification as to render impossible the continuation of the same sociological inquiry from one department to another. For instance, it was shown at the time of the official investigation in England that if one wanted to learn the condition of the juvenile male population of Great Britain, — comparing, say, the numbers and death-rates of those under the age of fifteen, who were paupers, prisoners or idiots, or who were in schools, reform schools, factories or coal mines, — he would be stopped at once by the different age classifications adopted in the different reports. Thus he would find the following classifications:

Total number, classified by each year of age and by sex.

Deaths, by each year up to 5 and then by quinquennial periods.

Paupers, as under 16 and over 16. Sex not given.

Education, by percentage of each age up to 14. Sex not given.

Present at school examinations, as under 10 and over 10.

Committed to prisons, as under 12, 12–16, 16–21, 21–30, by decennial periods to 60, as 60 and over.

Inmates of convict prisons, as under 15, by decennial periods to 65, as 65 and over.

Inmates of reform schools, as under 10, 10–12, 12–14, 14–16.

Inmates of industrial schools, as 6–8, 8–10, 10–12, 12–14.

Criminals known to the police, as under 16 and above 16.

Police returns: For London, persons convicted, as under 15, by quinquennial periods to 60, as 60 or upwards; for Liverpool, persons apprehended, as under 10, 10–12, 12–14, 14–16, 16–18, 18–21, 21 and over; for other chief towns, *e.g.*, Manchester, persons taken into custody, as under 10, 10–16, 16–20, 20–30, 30–50, 50 and over.

Emigrants, as under 1 year, 1–12, 12 and over.

Factory hands, as under 13, 13–18, over 18.

[1] See Mr. Wright's article already mentioned.

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Persons injured in factories, as children, young persons and adults.

The classification in Scotland and Ireland, moreover, differs in many respects from that in England.

From these reports all that we can learn of males under the age of fifteen is the total number, the number of deaths, the number in convict prisons and the number convicted in the courts of London.

A second example of conflicting classifications is found in the financial reports, where the different departments adopt different fiscal years, ending respectively on Lady Day (March 25), Easter, Michaelmas (September 29), May 30, August 31, December 31 and other dates.

As this investigation was made twenty years ago, things may have improved in England since then — but it is doubtful. Each department probably had good and sufficient reason for adopting its particular classification; and no one was at hand to consider the interests of the outside public and of science. In many cases, however, a little more elaborate classification could have been made without much trouble, and then the figures would have been useful for other purposes besides the immediate needs of the department. Although a central commission or committee was proposed, nothing, so far as I know, ever came from this investigation. It was said that if such a committee were composed of the heads of bureaus, official courtesy would prevent their interfering with each other's plans; while if it were composed of outsiders, it would be almost impossible for it to enforce its wishes on officials busied with more important affairs and wedded to the routine of their departments. The English official statisticians, in fact, regard with something akin to horror the demands of the so-called theorists, and are never weary of pointing out how imperfect the statistical method is. They have nevertheless been compelled to yield a little, as seen in the recent attempt to meet the wishes of the economists in more careful statistics of occupations. Furthermore, Von Mayr sees in the expansion of the statistical department of the Board of Trade a step in the direction of unifying

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and extending the statistics of social condition, — that is, sociological as distinguished from administrative statistics.

If we turn to the United States, the disadvantages of decentralization are sufficiently evident in our administrative statistics. We have at Washington a number of statistical bureaus, each generally attached primarily to some one department and its activity depending largely upon the zeal and energy of its chief. The bureau of the Treasury Department, from its age and the importance of the material passing through its hands, has perhaps had the most prominent position; while the Department of Labor, on account of the wide scope of its powers, the investigations confided to its care and the reputation of its head, occupies a unique place which is extremely difficult to define. Neither is officially or actually the central bureau of statistics of the United States; while particular bureaus, such as those of the Department of Agriculture and of the Interstate Commerce Commission, perform important functions. It is unnecessary to dwell upon the further decentralization represented by the state bureaus of labor statistics, the boards of health of the various commonwealths and the bureaus of vital statistics of large cities, for such decentralization is inseparable from our form of government. That it is not an unmixed evil is proved by the excellent work of the Massachusetts Bureau of Statistics of Labor and the censuses of that state, which embody some of the very best work ever done in statistics in this country.

With all this decentralization we have in the United States the most marked example of centralization which the world has ever seen — the decennial census. It is centralized in the sense that its organization is entirely independent both of local officers and of other departments. It is entirely self-centered and self-contained. Its material is collected and worked up at Washington through its own officers, and the results are published in independent volumes without regard to the other publications of the government. Its report on agriculture has no connection with the activity of the Department of Agriculture; its reports on transportation are independent of the

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Interstate Commerce Commission; and that on the precious metals, of the director of the mint. Again, it is centralized in the sense that everything of statistical interest is included within its purview. It covers the statistics of population (the ordinary field of a census), of agriculture, trade, manufactures, public and private debts, mineral resources, mortality and vital statistics, and so on. It attempts to combine two functions: first, that of a decennial survey of the population and the resources of the United States; and, second, that of a registration of the continuous movement of population and the social and economic activity of the community — as, for instance, when it calculates birth, marriage and death-rates, the movement of mortgage indebtedness during the decade, the mineral products by years, *etc.*

In the performance of both of these functions the efficiency of the census is lessened, and, in the case of the second, its results are rendered almost valueless, if not positively misleading and hurtful, by the third form of centralization, namely, that of time. Under our present system, all of this activity must be compressed into a few months. Once in ten years this survey must be made down to its minutest details, and the continuous movements must be calculated from the information that can be gathered at that time from records or from the memories of individuals. It is needless to say that in this respect we have pushed concentration too far, for no statistical organization in the world could stand such pressure. The mass of the material is too enormous to be thus handled with the best results. Delays are inevitable, and thus the information is not available until much of it is out of date. For recording the continuous movements, this method is ridiculously inadequate and nullifies the most conscientious efforts on the part of the officials. Our decennial census is undoubtedly a monumental affair, but it is a monument of wasted effort and money as well as of skill and knowledge. Men no longer build earth mounds in efforts to rival the size of nature's hills, or pyramids simply to show how one stone can be put on top of another: they construct works of

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architecture for the purpose of ameliorating the conditions of human life or adding to the resources of civilization, trying to obtain the greatest usefulness and beauty with the least expenditure of effort. As regards adaptation of means to ends, our census and our financial legislation are two things difficult to explain to the scientific mind.

The establishment of a permanent census bureau seems to be in the natural line of development and the best solution of these difficulties. This would, at the very least, give us an organized force and office facilities for dealing with the decennial enumeration. It seems possible, also, that part of the work now crowded into the census year might be distributed so as to fall at other times, thus relieving the pressure upon the bureau at the time of the enumeration and furnishing continuous employment to the permanent staff. All those investigations which are carried on mainly by expert agents could certainly be arranged for in this way. There seems to be no reason why a great part of the inquiries about industrial affairs would not be equally valuable if made to fall in the years between the censuses. The main figures might then be carried forward or backward so as still to give us a general survey of the resources of the country at the time of the census proper. Special investigations, moreover, might be undertaken by direction of Congress or on the initiative of the bureau itself; and much more care could be exercised both in preparing for such work and in exploiting the material itself. Furthermore, under such conditions, we should probably find that the attitude of the census officials would be modified in respect to undertaking new work. Under the present system it is inevitable that the superintendent should resist enlarging the schedule, already so unwieldy. He is obliged to do it in self-defense.

It seems scarcely worth while to debate the question whether Congress has the power to create a bureau of this sort. The vast expansion of the inquiries of the census beyond the simple enumeration of the people contemplated by the clause of the constitution providing for the distribution of representatives and direct taxes, and the sweeping powers exercised by the

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Department of Labor, together with the practice of all civilized nations, seem to answer that question. Moreover, with the growing interest in sociological inquiries the legal power to compel answers to questions will be less and less important, especially in the case of a permanent office whose chief would be a responsible man actuated only by scientific motives and jealously guarding any information of a private nature.

It is to be observed, in conclusion, that a permanent census bureau would solve the question of centralization or decentralization. It would gather to itself such statistical activity as is of a scientific rather than of an administrative nature. It would not necessarily do all the work of gathering the material; for where the departments could do that better or cheaper, it might well be left to them. But the central office could appropriate the results, in some cases supplement the observations, and bring all the sources of information together in such a way that our present inadequate and fragmentary observations of social life would be systematized and might perhaps one day deserve to be called "scientific."

RICHMOND MAYO-SMITH.

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# AN ANALYSIS OF AGRICULTURAL DISCONTENT IN THE UNITED STATES. II.

## IV. The Significance of the Increase of Farm Mortgages and of Farm Tenants.

AS introductory to this part of our study stands the fact that between 1880 and 1890 the amount of mortgage indebtedness upon acre tracts, in distinction from city lots, increased 71 per cent, or two and one-third times as fast as agricultural wealth.[1] What is the significance of this enormous increase? Is it consistent with permanent economic and social progress? A satisfactory answer to these questions involves an analysis of the increase, and of the burden of mortgage indebtedness.

1. *The increase of mortgage indebtedness.* — It must first be noted, in connection with this topic, that eighty-three per cent of the growing volume of mortgage debt, 1880–90, was incurred to enable debtors to buy lands, erect buildings and make other improvements, and that more than ninety-four per cent of it represents durable property.[2] The object for which this increasing indebtedness was incurred indicates that it was voluntarily assumed — that, in the judgment of those who subjected themselves to its burden, there was reasonable ground to expect success to attend their venture. The owners of capital who made the loans were evidently of the same opinion. Professor Gunton has rightly said :

> Debts, it is true, are often contracted to relieve personal distress, or to prevent a great loss of capital. . . . But this is not the chief function of debts. It occupies about the same relation to borrowing, as a whole, that auction sales do to the traffic of the merchants.[3]

[1] Abstract of Eleventh Census, p. 220.
[2] *Ibid.*, p. 214.
[3] *Public Opinion*, October 10, 1895, p. 458.

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At the same time, the fact that the employment of credit is increasingly necessary on the part of those who are struggling for industrial independence, is indicative of an inequality in the distribution of wealth.

The psychological conditions that have promoted the vast extension in the use of credit in general, have played a part in the increase of mortgage debt. Of chief importance here is the tendency of the American people to discount the future in their calculations and undertakings. Past experience shows such phenomenal social and material prosperity that it is natural for them to be animated with a spirit of hopefulness. As a consequence, debts are incurred, risks are assumed and enterprises started with a courage born of confidence in the future. It is probable that this spirit of unexampled and undoubted faith in the industrial future of the country is largely responsible for the startling growth of mortgage indebtedness.

That such a spirit stimulates borrowing is a truism. During every panic and period of commercial depression mortgage debts are contracted with reluctance, while during times of business revival and prosperity they are incurred as a matter of course. When the atmosphere is filled with hope, when confidence is unbounded, when there is not a threatening cloud above the industrial horizon — then it is that men of enterprise willingly assume the obligations of mortgage debt, and that capital most cordially welcomes the borrower. In accordance with this theory, we should expect a large amount of mortgage indebtedness in countries where the future is brightest, where industrial development is yet in its youth and where there are many in the prime of life, full of expectancy, industrious and aspiring to build homes. On the contrary, where nature has been most miserly in bestowing her riches, where social and political conditions are unsettled and where there is a population whose lives have been full of disappointment and who are by nature pessimistic — there we should expect to find a small amount of mortgage indebtedness.

It is generally conceded, for example, that our Southern States have lacked industrial enterprise. Consequently, we

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find that of the families occupying and owning farms in Kentucky but four per cent have encumbered properties; in Georgia, Florida and Tennessee, three per cent; and in North Carolina, five per cent. Turning to some of the Northern States, we find the following percentages: Ohio, twenty-nine per cent; Indiana, thirty-three per cent; Michigan, forty-nine per cent; and New York, forty-four per cent. Likewise, it is generally recognized that during the decade covered by the last census, there was unusual enterprise and industrial activity in the Southern States, owing to the ingress of Northern energy and capital; yet it was during that period that the increase of debt was 110 per cent in North Carolina, 313 per cent in Tennessee, 262 per cent in Georgia, and 559 per cent in Florida.[1]

Again, during the ten years ending with 1889, mortgage indebtedness increased much faster in the cities than in the country; for the former the total was 217 per cent greater in 1889 than in 1880, while for the latter it was but 71 per cent greater. Yet during this period the cities offered larger industrial opportunities than the country, thousands of laborers acquired homes, building and loan associations multiplied and flourished, and urban wealth most rapidly increased.

That mortgage indebtedness has also greatly increased in the Western States is a fact known to all. In Kansas sixty per cent of the taxed acres are under mortgage; in Iowa, forty-seven per cent; in Nebraska, fifty-five per cent; in Missouri, twenty-five per cent.[2] But wealth and social well-being have also multiplied. Probably no farming country in the world ever increased in wealth at an equal rate, or in so short a time attained those conditions that render life attractive and that minister to the intellectual, social and religious wants of man.

This line of thought has been forcibly summarized in the following language:

> The important truth concerning debts is, that the poorer and more purely agricultural portions of the country are not those where mortgage indebtedness on farms and homes is the greatest. Debts

[1] Abstract of Eleventh Census, pp. 217, 231.
[2] *Ibid.*, p. 218.

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abound where there is wealth and industrial opportunity, and because there is industrial opportunity. New York State with 6,000,000 inhabitants, Pennsylvania with 5,000,000 and Illinois with 4,000,000 have each of them a larger mortgage indebtedness than all the Southern States taken together, with a population of 22,000,000 and over. The six states in which the indebtedness is above $100,000,000 contain only a third of the people of the United States, but their people have borrowed more than half the total amount loaned on mortgages.[1]

This same explanation of the increase of mortgage debt is set forth by the commissioner of labor of Minnesota :

> The years 1869, 1870 and 1871 witnessed a great increase of mortgages placed on record against acre property. These were years of great farm prosperity, and lands were mortgaged to secure money to improve the same. . . . Farm disasters always lead to decreased mortgages on farm lands. . . . The wheat crop of 1877 was equal to that of 1875 in the state, although an almost total failure in certain counties. In the counties with a failure the growth of mortgage debt was checked, but the good prices for wheat and the constantly increasing wheat production of Minnesota led to a great increase in mortgage debt in the state as a whole. . . . Years of disaster in any given county are followed by decreased relative amounts of mortgages, showing that farm mortgages in Minnesota are the results or accompaniments of prosperity and not of disaster.[2]

2. *The burden of mortgage indebtedness upon farms.* — From the preceding analysis it is evident that the mere fact that mortgage indebtedness has increased furnishes no basis for inference as to the burden imposed. The determination of this question involves a study of the conditions under which loans were negotiated, as well as a study of mortgage foreclosures and of the liquidation of mortgage debt.

In the negotiation of loans upon farm lands, the factors usually considered are the probable future value of the farm and its estimated net income, with which interest charges and principal may be promptly met as they fall due. Whether the burden of mortgage indebtedness has decreased will obviously

[1] Professor Gunton, *Public Opinion*, October 10, 1895, p. 458.
[2] Report for 1893–94, pp. 405, 406.

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depend upon the extent to which the borrower accurately anticipated the future in these two respects.

In Part III of this study attention was called to the depreciating influence of transportation upon the value of farm lands in a number of the older states of the North. It is likely that a large number who invested in farms during the past ten years did so without an adequate appreciation of the presence of such a movement. The price of land is not quickly sensitive to declining rental value, and begins to respond to depreciating influences only after they have been at work for some time. For this reason it is probable that many purchasers of farms subject to mortgage have been unaware of the presence of a deep undercurrent steadily tending to lower their value. Again, the fact that for decade after decade land values had constantly risen persuaded many that such a thing as its depreciation was not to be considered. Even after the depreciation of farm lands was fairly under headway, there were not wanting those who refused to believe that there was any adequate reason for such a decline — who maintained that the lower values were exceptional in character and that it was only a matter of a few years when prices would recover. Such considerations as these render it probable that in all Northern States east of the Mississippi, save Illinois and Wisconsin, the burden of mortgage debt is heavier upon farm lands. In that portion of the country, however, where land values have been rising, the "unearned increment" has tended to relieve the burden of mortgage debt. The increase in the value of land, from four dollars per acre in 1872–74 to twenty-five dollars in 1892, as shown in Mr. Bently's study of a Nebraska township, well illustrates this fact.[1]

The further question, whether the income of farm land now subject to mortgage has been maintained at the point which the borrower expected, is obviously of paramount importance. The proximate causes of any decline of farm income, other things being equal, are two, — lower prices for agricultural produce and crop failure.

[1] Johns Hopkins University Studies, 11th Series, pp. 321, 322.

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In regard to prices, it is noteworthy that many of the products of the farm have in recent years most seriously declined. For example, the average farm price of wheat during the four years 1888–91 was eighty-two cents per bushel; while during the following four years, 1892–95, the price averaged but fifty-five cents, a decline of thirty-three per cent. That is, to pay off a debt of $1000 during the latter period would have required on the average about six hundred bushels more of wheat than during the former. The average aggregate farm value of the wheat crops during each of the four years of the first period was $393,000,000, while for each year of the latter period it was $249,000,000, a falling off of thirty-six per cent.[1] In 1895 nearly twice as many horses were required to pay interest or to discharge the principal of a debt as in 1891.[2] Moreover, the average price of middling cotton during the four years 1892–95 was twenty-six per cent less than during the preceding decade. The price of sheep and wool averaged fully thirty per cent less during 1894–95 than during the ten years preceding. Barley sold on the average for twenty per cent less during 1893–95 than during 1883–92. The prices of corn, potatoes and oats during 1895 were less than their average for the decade 1885–94. Of the principal farm products, cattle, hay and hogs were noteworthy exceptions, averaging higher in price during 1892–95 than for a decade.[3] The year 1896 (now three-fourths gone) promises a level of prices for farm products considerably lower than 1895.

This decline in the prices of farm products has not been offset by any corresponding decrease in the cost of production.

[1] United States Department of Agriculture, Crop Report, December, 1895, p. 6. The farm prices of wheat found in this report, and upon which all the comparisons made above are based, are simply the averages of December prices estimated yearly by the Agricultural Department. Nearly the same results, however, are obtained by using the yearly average prices of wheat at Cincinnati, as found in the Chamber of Commerce Report of that city for 1895. It is worthy of remark, also, that the price of wheat, during 1892–95, averaged twenty per cent less than during 1884–87, though the average during the latter period was less than the gold price for any preceding year since 1869.

[2] Statistical Abstract, 1894, p. 293.

[3] Cincinnati Chamber of Commerce Report, 1895, pp. 114, 150, 151, 173.

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The four years 1892–95 were not marked by any revolution in agricultural methods. There were few farm implements employed in 1895 that were not generally in use in 1891; and even if their price during these four years underwent considerable reduction, the interval was too brief for implements already in use to be replaced to such advantage as to lessen materially the cost of production. East-bound freight rates between leading points did not appreciably decline. The cost of farm labor also diminished but slightly. Taxes for state purposes were steadily maintained, tending to increase rather than to diminish. It follows, consequently, that this fall in the prices of farm products has tightened the grip of mortgage debt upon the American farmer.

Even more destructive than falling prices to the labors of the energetic and aspiring husbandman is crop failure. This fact is best illustrated by conditions in portions of the Dakotas, Nebraska, Kansas, Oklahoma, the Indian Territory and Texas. In parts of Kansas and Nebraska agriculture has been in a marked degree subject to all the uncertainties of a capricious climate. As you cross the plains the rainfall steadily decreases,

> but no stakes can be set to warn the settler that thus far shall he go and no farther. . . . Some of the counties in Kansas lying within this belt have been populated and depopulated, in a measure, two or three times. One or two years of exceptional rainfall bring in a fresh throng of settlers to take the place of others who have given up the struggle; they in turn are impoverished by the dry years that are sure to follow, and abandon their farms.[1]

Concerning crop failure in recent years in Kansas, Governor Morrill of that state says:

> I think it probably true that land in some parts of our state has declined in value fifteen per cent since 1884. The western part of the state is subject to droughts. The rainfall there in nearly all seasons is below what is required to make a good crop. I know there was a great rush of people to that section of the country to take homesteads, and for a time land sold very readily. The failure of

[1] E. V. Smalley, *The Forum*, vol. xix, 1895, pp. 466–468.

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crops for the past three years has caused a stampede from that section, and land is difficult to sell now at any price.[1]

The disaster thus entailed upon the agricultural interests of the drought-stricken portion of the state is reflected in a decrease of population.

In 1890 Kansas had 1,427,096 people. In 1895 the state census found only 1,334,668 within her borders. The counties in the eastern part of the state, which enjoy a sufficient rainfall for agriculture, exhibited gains, but in the western-central and western counties there was an absolute loss of about 200,000,—a greater number than is contained in the entire state of North Dakota. . . . The causes which produced the partial depopulation of the western part of Kansas were equally operative in western Nebraska [and in North and South Dakota].[2]

The economic history of wheat production in Minnesota is also full of examples illustrating how crop failures act as income-destroyers, and as promoters of the burden of mortgage indebtedness.[3]

All classes of farmers, however, are not equally injured by such unanticipated occurrences. The differences have been clearly indicated by the labor commissioner of Minnesota.

In an old and well-settled and prosperous farming community these disasters or misfortunes in modern times bring with them no dire results. The average farmer has sufficient wealth of his own, available resources of various kinds, or the facilities for credit to carry himself and family through the evil days and into the ever-returning periods of good crops, fair prices and returning prosperity. This is not the case with new farmers with small resources in a new country. . . . They cannot command sufficient credit to carry them to the better times, and their farms are sold by mortgage foreclosure. [Consequently] in a new country . . . farm failures become very numerous after every general loss of crops due to any cause and also after every period of depreciated prices for farm products.[4]

[1] Private letter to the author, dated October 3, 1895.
[2] E. V. Smalley, *The Forum*, June, 1896, p. 489.
[3] Fourth Biennial Report of Minnesota Labor Bureau, 1893–94, pp. 493, 494.
[4] *Ibid.*, pp. 460, 461.

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With this view of the conditions under which the loans were secured, let us turn to a study of mortgage foreclosures and the liquidation of mortgage debts.

Probably there are no more accurate measures of the burden of mortgage indebtedness than the relative frequency of foreclosures and the progress made in the liquidation of the debts. The data at hand permit the consideration of mortgage foreclosures in New Jersey, Illinois and Minnesota, the liquidation of farm mortgages in Michigan, and the relative rates at which mortgage debts upon acre tracts and city lots were liquidated during the ten years ending with 1889 throughout the various states of the Union.

It is the general impression that the number of failures is relatively less in farming than in other gainful pursuits. In New Jersey, however, for almost a decade the average yearly number of foreclosure executions upon farms somewhat exceeded the number of mercantile failures in that state reported by *Bradstreet's*.[1] The reluctance with which capital is advanced upon farm lands also indicates the unfavorable agricultural conditions existing in New Jersey.[2] It is, moreover, reasonable to suppose that all of the states whose farm lands declined in value have suffered some of the disadvantages of mortgage debt that are illustrated by New Jersey. It is of interest to note that in nearly all such states the number of mortgages given yearly throughout the last decade, upon lands used for farm purposes, did not increase, and in some instances actually decreased. In a considerable number of them, when due allowance is made for the number of acre tracts subject to mortgage and held for speculative purposes within city limits, there was a noticeable decrease in the mortgage indebtedness incurred upon lands used for farm purposes. This fact of itself probably indicates that the chances of agricultural success, in states whose lands have declined in value, have been such as to give little encouragement either to the borrower or to the lender of money upon farm lands.

[1] Report of New Jersey Labor Bureau, 1889, pp. 324, 325.
[2] *Ibid.*, pp. 327–329.

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In Illinois, in 1886 and 1888, the rate of mortgage foreclosures upon lots was somewhat less than upon acres.[1]

In Minnesota, owing mainly to the introduction of diversified farming, the farmer was better off in respect to foreclosures during 1892–93 than at any previous time in the history of the state.[2] Moreover, in 1893 the rate of mortgage foreclosure upon acre property used for farm purposes was less than upon city lots or acre tracts held for speculative purposes in the vicinity of cities.[3] To what extent Minnesota, in regard to mortgage foreclosures, is representative of other trans-Mississippi states whose lands are rising in value, it is impossible to say with any great certainty. In states like Iowa and Missouri, where both soil and climate are well adapted to agriculture, where the farm population is possessed of considerable accumulated resources and credit, and where a fairly well-diversified system of crop production exists, it is fair to infer that mortgage foreclosures have not been unusually frequent. But in sections subject to prolonged and disastrous droughts, and having inhabitants possessed of meagre resources, such as western Kansas and Nebraska, mortgage foreclosures have beyond question registered a high degree of agricultural disaster in recent years.

Upon the liquidation of mortgage indebtedness in Michigan, the reports of the state bureau of labor for 1888 and 1893 throw some light. The report for the latter year[4] showed a slight decrease in the percentage of farms and of acres mortgaged, in the amount of mortgage debt and in the percentage of debt to the assessed value of farms encumbered, with a consequent falling off in the annual burden of interest of $471,581.

With regard to the relative rates at which the liquidation of mortgage debts upon acre tracts and city lots proceeded during the last decade, the following tables[5] are submitted:

[1] Eleventh Census, volume on Real-Estate Mortgages, p. 107.

[2] Fourth Biennial Report of Minnesota Labor Bureau, 1893–94, pp. 497–499.

[3] *Ibid.*, 481–483.

[4] Pp. 1, 177.

[5] Eleventh Census, volume on Real-Estate Mortgages, pp. 25, 87, 309. The above tables do not take into account the extent to which liquidation has taken

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REAL-ESTATE MORTGAGES MADE IN UNITED STATES, 1880–89.

| | NUMBER. | AMOUNT. |
|---|---|---|
| Total | 9,517,000 | $12,094,000,000 |
| On acres | 4,747,000 | 4,896,700,000 |
| On lots | 4,770,000 | 7,198,000,000 |

REAL-ESTATE MORTGAGES IN FORCE, JANUARY 1, 1890.

| | NUMBER. | AMOUNT. |
|---|---|---|
| Total | 4,777,000 | $6,019,000,000 |
| On acres | 2,303,000 | 2,209,000,000 |
| On lots | 2,474,000 | 3,810,000,000 |

LIQUIDATION EFFECTED, 1880–89.

| | |
|---|---|
| Estimated mortgage debt, January 1, 1890 | $2,494,000,000 |
| Mortgages executed since | 12,094,000,000 |
| Total | $14,588,000,000 |
| In force, January 1, 1890 | 6,019,000,000 |
| Amount liquidated | $8,569,000,000 |

These figures indicate that the rate of mortgage liquidation upon acre tracts was 54.89 per cent, and upon lots 47.06 per cent. The amount of mortgage debt resting upon acre tracts, however, gives one an exaggerated idea of the volume of debt carried by the farm lands of the nation. A considerable portion of such land is held for speculative purposes in the vicinity of cities, and cannot properly be considered as farm land in an investigation of the debt under which the agricultural interests of the country are laboring. Lands used for farm purposes and occupied by their owners were subject to an aggregate incumbrance, January 1, 1890, of $1,086,000,000. This debt rested upon 887,000 farm families, and represented 35.55 per cent of the value of the farm lands encumbered.[1] There is, of course, some mortgage debt upon farms not occupied by their owners and leased to tenants. The volume of such debt, how-

place by means of foreclosure executions. The information given in the census upon this subject has been already referred to in considering foreclosures in New Jersey, Illinois and Minnesota.

[1] Abstract of Eleventh Census, pp. 225, 232.

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ever, is believed to be inconsiderable; and the well-being of a class able to live upon the rental of the farms they own need not excite the serious concern of the public.

Again, it should be borne in mind that the mortgage debt in force, January 1, 1890, was distributed within each state largely according to industrial strength. In such states as Iowa, Kansas and Nebraska, where agriculture is the principal industry, the greater part of the mortgage debt rests upon farm lands; in states having great manufacturing interests and large urban development, such as New York and Massachusetts, the debt upon homes is greatly in excess of that upon farms.[1] Owned and encumbered farms, however, were less heavily mortgaged than owned and encumbered homes, the former being mortgaged for 35.55 per cent of their value and the latter for 39.77 per cent.[2]

3. *The increase of farm tenants.* — The last United States census showed a marked increase, not only absolutely but relatively, in the number of farm tenants. In 1880, 30.93 per cent of the farm families hired their farms; in 1890, 34.17 per cent. During that decennial period there was in Ohio, Indiana and Illinois a loss of 22,300 owning farmers and a gain of 18,887 tenant farmers. In forty-seven states and territories the number of owning farmers increased 274,300, and the number of tenant farmers 349,100.[3]

In order to explain the presence and increase of farm tenancy, and to ascertain whether landlord and tenant classes are in process of evolution in the United States, it is necessary to analyze several features of tenancy.

[1] Abstract of Eleventh Census, p. 232. [2] *Ibid.*

[3] *Ibid.*, pp. 97, 225. The figures given above were obtained by assuming that the ratio of farm-owning families to farms cultivated by owners, and of farm-tenant families to farms cultivated by tenants, was the same in 1880 as in 1890. The only figures on farm tenantry in the census of 1890 that are directly comparable with the figures for 1880 are those giving the number of farms cultivated by owners and by tenants respectively. Comparison of these shows that in 1880 25.56 per cent of the farms were cultivated by tenants, and in 1890, 28.37 per cent. In forty-seven states and territories the number of farms cultivated by owners increased 285,422; the number cultivated by tenants, 270,312. In Ohio, Indiana and Illinois the number cultivated by owners decreased 22,394, and the number cultivated by tenants gained 15,729.

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1. One factor of much influence in making the percentage of farm tenants in the United States so large is the industrial condition of the South. In the South Atlantic States forty-five per cent, and in the South Central States forty-eight per cent, of the total number of farm families are tenants; while the percentage in the North Atlantic group is twenty-one, in the Rocky Mountain and Pacific eighteen, and in the North Central twenty-six.[1] The existence of such a large class of tenant farmers in the Southern States cannot, however, in the light of industrial history be held to be an unfavorable symptom. Tenancy in these states simply marks the step from an industrial system based upon slavery to one of freedom.[2]

2. Especially significant in connection with the increase from 1880 to 1890 in the percentage of farm tenants is the fact that during those ten years 5,246,613 emigrants, or one-third of our total immigration from 1820 to 1890, came to our shores.[3] The average *per capita* wealth which this great invading army of unskilled workers brought with them was considerably less than $100.[4] Their meagre resources rendered it inevitable that so far as they found a place as agriculturists in our industrial organism, they should appear as farm laborers and tenants rather than as farm owners. The natural increase of our native and foreign-born population, at the rate of between a million and a million and a half a year during the last decade, has also tended to swell the number of farm tenants. Instances are exceptional where parents with several children in the family are able to provide each with a farm. In large families some of those who elect farming as a pursuit must therefore start either as hired hands or as farm tenants. In connection with the increase of population, the exhaustion of the desirable portion of the public domain and the prosperity of farm owners are pertinent facts. When government land was more abundant, there was but one step from the condition of a hired

[1] *Quarterly Journal of Economics*, October, 1895, p. 38.

[2] *Annals of the American Academy of Political and Social Science*, September, 1893, pp. 265–268.

[3] Quarterly Reports of the Bureau of Statistics, 1892–93, p. 399.

[4] *Ibid.*, p. 409.

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laborer to farm ownership. Now, it is necessary first to become a tenant; and but for the fact that some farm owners have prospered sufficiently to be able to rent their farms, hired laborers, desirous of rising to tenancy, would have no industrial opportunity.

3. The increase in the relative number of farm tenants in some states is the result of agricultural disaster. President Fairchild of Kansas Agricultural College writes me as follows:

> There is always a considerable body of young men who first rent farms and afterward come to own them. In this state, however, some peculiar conditions have increased quite beyond the normal the number of tenants. The whole western third of the state was settled by a boom in farm lands. Multitudes of settlers took claims without means of their own, expecting to pay for the land from the immediate profits of farming. Multitudes of them mortgaged the land for improvements, and multitudes more expended the proceeds of mortgages in living. When it was found that the proceeds of farming in that part of the state were very uncertain, at best, the mortgages became due. And in many instances those who had been nominally owners remained upon the farms as tenants after foreclosure. These are but the natural effects in reaction from a tremendous boom.
>
> Another reason for apparent increase of tenants is found in the general hesitation to accept mortgages following immediately after the panic; which panic, you will remember, began in Kansas real estate long before it was felt in the general commercial world. Under ordinary circumstances, a thrifty young man can buy a farm with a very small cash payment. For the past seven years, with property declining, neither the buyer nor the owner will take the risks of such a trade.

With these various influences working for the development of a tenant class, few questions are of greater interest to the student of social relations than the ultimate destiny of the increasing number of farm tenants. Are they doomed to remain always in a state of relative industrial dependence, or will economic conditions permit them to rise to a higher industrial level?

Two considerations indicate that it is possible for farm tenants to become land owners. In the first place, the resis-

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tance to be overcome in taking such a step is not very much greater than that encountered by the settlers who took up land on the public domain under the homestead laws. The necessary outlay of the early settler, in addition to the cost of transporting himself and his family to the West and of living during the year or perhaps two years which intervened before a regular crop could be raised, has been estimated at $1000.[1] The same amount of money will enable its possessor at the present time to become the owner of a farm fairly well improved in either the eastern or the western division of the Central States. Such a farm owner would enjoy better markets, and would not have to endure the long years of isolation, involving social, educational and religious deprivation, which it was the lot of the early settler to undergo. It is true, of course, that prices for the products of the farm have very much declined in recent years; but it is also true that farm land in many of the states referred to above can be had at prices twenty-five to fifty per cent lower than fifteen years ago.

In the second place, the percentage of farm tenants in the Northern states is frequently greatest where the soil is most fertile and the conditions most favorable to agricultural prosperity, and is often smallest where nature most scantily rewards the labors of the agriculturist. Thus, in Illinois thirty-seven per cent of the farm families hire their farms; in Iowa, twenty-nine per cent; and in Missouri, thirty-one per cent. In Massachusetts, however, but fifteen per cent of farm families are tenants; in Maine, seven per cent; in Connecticut, seventeen per cent; and in New Hampshire, ten per cent. In the single state of Illinois there are nearly four times as many farm tenants as in all New England.[2] In Minnesota, the best and most prosperous counties show the largest actual and relative number of tenants. In the counties with the smallest ratio of mortgage foreclosures, the percentage of tenants is greatest; and relatively few tenants are found in counties where the ratio of mortgage foreclosures is large.[3] Probably no one would

[1] Rodney Welch, *The Forum*, vol. viii, 1889–90, p. 588.

[2] Abstract of Eleventh Census, p. 225.

[3] Fourth Biennial Report of Minnesota Labor Bureau, 1893–94, p. 68.

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deny that the conditions are more favorable to agricultural success in the North Central than in the North Atlantic States. Yet in ten years, 1880–90, the number of farms cultivated by others than their owners increased twenty-three per cent in the former and but nine per cent in the latter.[1] During the same decade, the net gain in the number of rented farms in the New England States was but fifty-eight, and in each of four of these states the number was less at the end than at the beginning of the period.[2] The obvious explanation of this condition of affairs is that tenants naturally drift to the best farming sections, for it is in the best sections that farmers become prosperous enough to retire and lease their farms. The important fact to which attention is here directed is, then, that farm tenants are most numerous where the conditions are most favorable to their becoming farm owners.

Not only is it possible for tenants to rise to farm ownership, but there is positive evidence that this is just what is taking place at the present time. For example, in Minnesota one out of every nine farm tenants rises to ownership each year, and one out of every four of the most efficient. That is, of the 17,982 tenants in Minnesota, more than 2000 annually rise to ownership. Moreover, ninety-four per cent of those who have lost farms by mortgage foreclosures in that state have been able in a short time to regain their earlier condition as farm owners. In Minnesota, therefore, "the growth of tenancy . . . is part of a movement lifting a large number of people by slow and sure stages from small beginnings to independence on the farm."[3] Upon this subject President Beardshear of Iowa Agricultural College writes me as follows:

> I think there is quite a tendency among renters of Iowa farms to become owners of farms in the near future. Out of four renters under my supervision upon an Iowa farm in ten years, three of them became independent and purchased farms for themselves. Iowa Agricultural College has leased quite a number of thousands of acres of land in the last twenty years with condition that they could be

[1] Eleventh Census, volume on Agriculture, p. 116. [2] *Ibid.*
[3] Report of Minnesota Labor Bureau, 1893–94, pp. 67–69.

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purchased at a nominal sum at the expiration of a certain number of years. A vast majority of these renters have purchased the land at the expiration of the leases.

The success with which tenants struggle for farm ownership may be roughly measured by comparison with the success of heirs in retaining ownership. Nearly every country community is rich with examples of individuals who have lost the farms they inherited. In the farm-community where the writer once lived and with which he has been familiar all his life, the farms which descended to heirs have in the great majority of cases for one cause or another been transferred to new owners. Often the explanation is found in thriftless or bad habits. Frequently, however, embarkation in some line of business other than farming is responsible. With the record of this class of owners the industrial career of farm tenants compares favorably. While the statement cannot be made upon statistical authority, the percentage of farm tenants who fail of property ownership is probably not much greater than the proportion of financial wrecks among those who inherit farms. If this be admitted, it follows that the farm tenant is relatively not unduly handicapped in the race of life.

In conclusion, the subject of farm tenancy suggests two lines of thought:

1. It is probably true that farm hands do not rise through tenancy to ownership as frequently as they did forty or fifty years ago. Observation and reflection, however, lead the writer to the opinion that the main reason is not poverty, or the lack of opportunity, or a want of industry, but indulgence in a higher standard of living than is prudent for them. The single fact that wages of farm labor in a large part of the United States have almost doubled within half a century is in itself adequate proof of this.[1] In the economic thinking of recent times, the old doctrine of saving has largely been replaced by that of liberal expenditure.[2] Doubtless a truth that has heretofore been overlooked is thus brought to view

[1] Statistical Division, U. S. Department of Agriculture, Miscellaneous Series, Report No. 4, 1892, pp. 54–69. [2] Gunton, Social Economics, pp. 78–80.

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and put in its proper place. Nevertheless, that which was true in the old doctrine of saving still remains. Had society never laid by a portion of the product of its labor, it could never have emerged from barbarism.[1] "As far as the masses of the people are concerned, . . . the acquirement of moderate riches is at the price of much self-denial through life."[2]

In the average country community, the tendency of the farm hand to supply himself with a horse and buggy or a bicycle is probably as much responsible as any other one factor for the continuance of the class in a state of industrial dependence. Such expenditures not only absorb the earnings of the laborers, but soon lead them to give up their hope of becoming farm owners. Furthermore, competent observers of rural affairs declare that, compared with forty years ago, farm hands are a less capable body of men — that they are more deficient in business judgment and forethought, and especially in ambition to rise socially or to improve their economic condition. In every country community, moreover, there are a considerable number addicted to drink, who, were they carefully to husband their earnings, would not have to work any harder to become farm owners than they now do to add to the profits and prosperity of the saloon-keeper.

It is a noteworthy fact that farm ownership is less prevalent among those farmers who are natives of the United States than among those who are natives of any other country, Italy alone excepted.[3] This cannot be explained by supposing that those of foreign birth had the advantage of more ample means at the start. Facts to which attention has already been called render such an hypothesis impossible.[4] The only plausible explanation is that they have been more successful in practicing the economy necessary in order to become the owners of farms. It is, however, difficult to evade the conclusion that the tendency to a rise in the standard of living is an unfavorable condition which those who would rise to farm

[1] Francis A. Walker, Political Economy, pp. 61–66.
[2] G. K. Holmes, POLITICAL SCIENCE QUARTERLY, vol. viii, 1893, p. 598.
[3] Extra Census Bulletin, no. 98, p. 3. [4] *Ante*, p. 613.

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ownership have to overcome. The temptation to indulge present and newly developed tastes rather than to apply one's earnings to the purchase of a farm is thereby increased.

Everywhere we notice that the higher standards of living and of respectability are demanding more time in preparation for life and increased expenditure of income, are postponing the time of marriage and reducing the birth-rate, and, along with other results, are postponing, if not preventing, the ownership of homes.[1]

2. One cause that promoted the downfall of the English yeomen was the fact that land was, more than any other form of property of the time, a source of income, as well as of power and influence, to its possessor. In marked contrast with that condition of affairs is the fact that in modern society farm lands have to a great extent been displaced by other means of securing income, power and social prestige. "Investments in lands which are valuable for agriculture only, are not regarded with favor by capitalists. Better use for their money is found elsewhere."[2]

The banker, merchant, manufacturer and capitalist have become wealthier than the landowner. The moneyed classes have supplanted the landed classes in importance. The banker millionnaire is greater and more powerful than the ducal landlord. Land, the old source of centralized wealth, inordinate power, caste privileges and hereditary rights, no longer maintains its preëminent importance.[3]

These facts, in connection with the question we are considering, are full of significance. Indicating an absence of adequate motive for the wealthy classes to seek landed investments, they show that one of the most potent influences in promoting the development of landlordism is absent in the United States.

Mr. George K. Holmes, one of the special agents in charge of the volume of the eleventh census on real estate mortgages, in a personal letter of September 26, 1896, says:

I have been unable to find in the observation and experience of hundreds of census agents, who did work in all parts of the United States in collecting statistics of mortgages, that capitalists are seek-

[1] G. K. Holmes, *Quarterly Journal of Economics*, October, 1895, p. 45.
[2] Hugh McCulloch, Men and Measures of Half a Century, p. 525.
[3] Cook, Corporation Problem, p. 189.

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ing investments in farms, except in so far as they lend money to farmers on farm mortgage securities. These lenders do not want the farms.

It is true that there is a tendency among the fashionable and wealthy classes in the cities to desire land for summer residences. It is unlikely, however, that this movement will ever seriously encroach upon the cultivated lands of the United States. Not only are large estates seldom in demand for such purposes, but, in general, land occupied by the summer residences of the rich is in the neighborhood of the ocean, the mountains or the Great Lakes, and is not suitable for agricultural purposes.

Our study in this section of farm debts, ownership and tenancy leads to two general conclusions:

1. The volume of mortgage debt is, in general, distributed according to the wealth, energy and enterprise of the people. Its burden upon farm lands has been increased by the marked decline of agricultural prices in recent years. This increased burden is reflected in the large number of mortgage foreclosures in states whose lands have declined in value, and in those sections where crop disaster has overtaken the agriculturist.

2. The increasing numbers of our population, the exhaustion of the desirable portion of the public domain, the prosperity of farm owners, the rise in the standard of living, and, in some sections, agricultural disaster — these are facts that largely explain the growth in the relative numbers of farm tenants. On the other hand, the fact that the majority of the tenants are found on the best lands, the positive evidence of their rise to ownership, the frequency with which those who inherit farms lose them, and the undesirableness of farm lands as an investment for the rich — these circumstances do not indicate that those who are now tenants are to continue in that condition, or that classes whose permanent relationship is to be that of tenants and landlords are in process of development.

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## V. Four Remedies for the Agricultural Depression Considered.

Before discussing several remedies proposed in the interest of the farmer, certain unfavorable conditions, which make it impossible to adjust supply to demand so as to render the business of the farmer continuously profitable, deserve consideration.

1. Foremost among these conditions is the vastly increased supply of farm products which, through the efficiency of modern methods, are put upon the market. Among the factors chiefly instrumental in effecting this result are improvements in transportation and communication.[1] By rendering the world's markets accessible to the products of the most remote corners of the earth, not only have they increased the forthcoming supply of such staples as breadstuffs and meats, but, by enlarging the variety of food products, they have contributed still further to the abundance of the food supply. Formerly,

> the food supply came only from the neighborhood, and was diversified only by the seasons. Now it is replenished from every zone. . . . The grocery store of Chicago and that of New Orleans, the market-places of London and those of Calcutta might change places in a night, without revealing any striking novelty to their patrons the next morning.[2]

In the presence of a harvest all the while ripening somewhere round the globe, a large surplus or a crop of unusual size in any country exerts a depressing influence upon the price level of the entire world.

Science and invention have also increased the food supply by utilizing what were formerly waste products. For example:

> Within a few years the city of Chicago produced more tons of artificial butter than any state of the Union could show of the genuine article.

[1] Cotton and oats illustrate this fact. During the ten years ending with 1895, the railway mileage of the United States increased forty per cent. During the same period, the annual *per capita* product of cotton averaged ten per cent more, and its price twenty per cent less than during the preceding ten years; while the *per capita* production of oats averaged seventeen per cent more, and its price 8.5 per cent less.

[2] Judge P. S. Grosscup, Commencement Address at Wittenberg College, *Chicago Inter-Ocean*, Friday, June 5, 1896.

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Filled cheese has destroyed the foreign market, which was formerly so good, for the American dairy product, and so reduced the price of the unadulterated article as to make its manufacture quite unprofitable. The canning and cold storage of products which were until within a very recent period so perishable as to enter into the consumption only during brief periods of each year, and over limited areas, have transformed them into considerable ingredients of the world's supply of staple necessaries. Vegetables, fruits and fish have thus come into direct competition with grains and meats, thereby still further increasing the disparity between the demand and supply of agricultural foods. In this way the unused surplus of agricultural products and their equivalents is year by year swelled, to the manifest disadvantage of the producer, and to the apparent enhancement of the world's productive capacity.[1]

Nor is it probable that the increase in the supply of food products has yet reached its limit.

A scientific survey of the food-producing capacity of the earth, even with little, if any, enhancement of the present supply of labor, makes it evident that the present supply might be largely increased, possibly doubled, within the scope of existing lives.[2]

2. Concurrently with an increase in the supply of the products of the field, the progress of invention has tended in certain respects to curtail demand for them. Such animal products as tallow and grease, for example, have been largely displaced for lighting purposes by the mineral products, petroleum and coal. Red dye, once obtained from a vegetable, is now derived from the product of a mineral. Wood first gave way to coal for purposes of combustion, and then to iron and steel as materials for construction. The utilization of cotton-seed oil in the production of lard and its substitution for tallow and grease in the manufacture of soap have unfavorably affected the prices of hogs and cattle. Cocoa oil has also come to be largely employed in making soap; and the large importation of this oil is at once the measure of the popularity of the soaps into which it enters, and of its own depressing influence upon

[1] Albion W. Tourgee, *The American Journal of Sociology*, July, 1896, p. 17.
[2] *Ibid.*, p. 16.

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the prices of cattle and hogs, the by-products of which it displaces. One of the most striking examples, however, is the substitution of electricity for horses as the motive power in the street-railway service, thereby diminishing not only the value of horses, but also that of all kinds of feed and forage.

> It has been estimated that electric lines have already displaced no less than 275,000 horses. . . . At a moderate computation this number of horses would require about 125,000 bushels of corn or oats a day. A decrease of 125,000 bushels a day is equal to 45,000,000 bushels a year, enough to appreciably affect the prices of those grains.[1]

The bicycle has exerted a similar influence. Its worst effects have probably appeared in the horse and carriage trades, and allied businesses. "The practice of horseback riding is nearly extinct, and saddle horses are a drug in the market."[2]

3. The dependence of agricultural profits upon the uncertainty of the weather is another of the unfavorable conditions with which the farmer must contend. With the disastrous consequences of crop failure we are already familiar.[3] But nature frequently, though not as disastrously, interferes with the farmer's prospects by rewarding his labors with an over-abundant harvest. The corn crop of 1885, for example, though only slightly greater in area than that of 1887, was nearly 500,000,000 bushels greater in yield, while the aggregate money value was $20,000,000 less. Again, a large increase of acreage, accompanied by favorable weather for the growth of the crop, sometimes results in such an enormous yield as to deluge the market and kill the price. Thus, in 1889 favorable weather, in connection with an acreage 6,600,000 greater than in the following year, resulted in an unprecedented crop of some 650,000,000 more bushels than in 1890, but so flooded the market as to net the producers $150,000,000 less.[4] Further, for each of the four years preceding 1889 the acreage of oats

[1] *Public Opinion*, vol. xix, 1895, p. 412.
[2] J. B. Bishop, *The Forum*, August, 1896, p. 686.
[3] *Ante*, pp. 607–608.
[4] Report of Secretary of Agriculture, 1893, p. 478.

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was less than for that year, and the yield also was considerably less; but the total value of the crop was invariably greater.[1] The acreage of cotton in 1891–92 was 2.3 per cent[2] less than in the preceding year, the yield 379,800 bales greater,[3] and the total money value of the crop $37,000,000 less.[4] The acreage in 1893–94 was only slightly in excess of that of 1892–93, yet the yield was 849,500 bales greater, while the aggregate value to the producer was $4,143,000 less.

4. The extent to which agriculture is carried on in modern industrial society, with the purpose of supplying the market, frequently results in production ill adjusted to existing conditions. The farmer expects to consume only a small part of the products of his labor, and to exchange the remainder for articles suited to his wants. Each agricultural producer, proceeding without an intelligent knowledge of what his fellows are doing, endeavors to create a maximum product. The result is that the wealth-producing energies of the farmer are not properly distributed, and the products of his labor are not adjusted in the proper proportion to the wants of society. Consequently, the producers of such food products as exist in relative over-abundance are injured in the process of exchange by receiving less than an economic equivalent for the product of their toil.

Four of the unfavorable conditions under which the business of the farmer is conducted have now been considered. To the extent that population multiplies under the stimulus of a bountiful food supply, the increasing abundance of farm products tends to correct itself. Any measure capable of promoting the *per capita* consuming power of the masses or of diverting energy now expended in food production to some more profitable field of employment would afford some relief. The curtailment of production through the development of a taste in the

[1] Report of Secretary of Agriculture, 1893, p. 483.

[2] Senate Report No. 986, 53d Congress, 3d Session, Committee on Agriculture and Forestry, on "Condition of Cotton Growers in the United States," *etc.*, part ii, p. 357.

[3] Report to the St. Louis Merchants' Exchange, 1894, p. 147.

[4] Cincinnati Chamber of Commerce Report, 1894, p. 174.

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community for other than productive employment would also have a favorable influence. The unfriendly influence of climate can to a small extent be overcome by irrigation, or by the adoption of a system of agriculture better suited to climatic environment. By increasing the diffusion of information, so that the farmer may expend his energy with a better knowledge of what his fellows are doing, the evils of disproportionate production may be slightly diminished. But here the prospect of amelioration ends. Beyond what is involved in the above suggestions, it is probable that no remedy, legislative or other, can render the influence of these conditions less unfavorable to profitable crop-production. They are for the most part unalterable, and no discussion of any remedy proposed in the farmer's interest can proceed intelligently without holding them constantly in mind. They therefore mark the limit within which statesmen and others interested in the welfare of the farmer should confine their efforts. The recognition of such limitations may dampen the zeal of social enthusiasts; but, on the other hand, it will discourage them from advocating fanciful and impracticable schemes, and will save society from the economic loss arising from the unstable business conditions which these schemes create.

Proceeding now to the remedies that have been proposed for the difficulties of the agricultural class, we shall consider only four: namely, the free coinage of silver, a general property tax, an export bounty on agricultural staples and a greater development of thrift among the farmers.

1. *The free coinage of silver and the farmer.* — That the general range of prices for the products of the farm has greatly declined since 1873, no one will deny. There are those who, overlooking the influence of the forces to which attention has just been called, believe that the cause of this fall is the appreciation of gold. Whether or not gold has really appreciated (that is, become dearer in terms of commodities because of its scarcity) is beyond the scope of the present inquiry. Assuming that it has, let us consider to what extent changes in the prices of farm products during the past twenty-three years can be satisfactorily explained as a result of such appreciation.

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The index numbers representing the weighted average price in gold of nine farm products — barley, corn, cotton, hemp, meats, oats, rye, tobacco, wheat — from 1873 to 1891 are as follows:[1]

| | | | |
|---|---|---|---|
| 1873 | 106 | 1883 | 102 |
| 1874 | 123.5 | 1884 | 100.8 |
| 1875 | 116.8 | 1885 | 87.9 |
| 1876 | 91.9 | 1886 | 87.5 |
| 1877 | 96.5 | 1887 | 89.6 |
| 1878 | 89.7 | 1888 | 93.6 |
| 1879 | 91.1 | 1889 | 86.5 |
| 1880 | 102.9 | 1890 | 93.7 |
| 1881 | 117.1 | 1891 | 98.4 |
| 1882 | 120.3 | | |

Even a casual survey of these figures shows the utter futility of attributing the movement of farm prices to an appreciation of the monetary standard. Assuming that the lower level of 1891 as compared with 1873 is due to appreciation, it is clear that the higher levels of 1874, 1875, 1880, 1881 and 1882 cannot be thus explained. Still less adequate is the increasing value of the monetary standard to account for the fluctuations in price of any one farm commodity. Further, the index numbers indicate that the prices of tobacco, rye, meat and corn were higher in 1891 than in 1890, while the prices of barley, cotton and oats were lower.[2] In the presence of these facts, the theory that the change in the prices of farm products find any adequate explanation in the increasing value of gold breaks down hopelessly.

During the years since 1891 there has occurred from time to time a marked fall in the prices of farm products. Are we to believe that simultaneously in each instance there took place an increase in the value of gold? The farm price per bushel of the corn crop of 1895, for example, was thirty per cent less than the average annual price for the ten years preceding.[3] Is

[1] Senate Report on Wholesale Prices and Wages, part i, p. 11.
[2] Senate Report on Wholesale Prices and Wages, part i, p. 11.
[3] United States Department of Agriculture, Crop Report, December, 1895, p. 6.

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the appreciation of gold, or a crop twenty-five per cent greater than the annual average for the preceding decade, the more plausible explanation? Was it the appreciation of gold that made the price of potatoes so low in 1895, or was it a crop which exceeded by nearly 90,000,000 bushels that of any year, with the single exception of 1891, during three decades?[1] The average farm price of wheat for the three years ending with 1894 was about thirty per cent less than for the three years ending with 1891.[2] Is the gold standard or an increase of 236,000,000 bushels in the annual average of the world's supply the more reasonable explanation?[3] Obviously, the fall of prices disclosed by such facts cannot be satisfactorily explained by an increase in the value of gold.

These downward movements in the prices of farm products were severe shocks to agricultural prosperity because they were sudden and unexpected. Compared with the gradual fall of prices that has occurred since 1873, they were relatively far more disastrous to farm interests. A rainfall of four inches distributed throughout twenty-four hours may do little or no damage; but the same precipitation within an hour carries in its wake disaster. What is to be said, then, of the assertion that, owing to a steady fall of prices, there has been no agricultural prosperity since 1873? The most obvious reply is that the statement, in this unqualified form, does not agree with the facts. During the years 1879–84 there was unusual agricultural prosperity, as a comparison of agricultural with general prices will clearly show.[4] A similar comparison shows that 1888–92 were years when farmers were enjoying fair times. This does not mean, of course, that there was an absence of grumbling, or that no one complained of hard times during either of these periods. Judged by this test, indeed, there has never been a time in our country's history when agricultural distress was not the rule and prosperity the exception.

[1] Report of Cincinnati Chamber of Commerce, 1895, p. 172.
[2] United States Department of Agriculture, *loc. cit.*, p. 6.
[3] Report of Cincinnati Chamber of Commerce, 1894, p. 57.
[4] Senate Report on Wholesale Prices and Wages, part i, pp. 11, 100.

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It is most certainly a sudden rather than a steady fall of prices that entails disaster upon the farmer. As Professor J. B. Clark puts it:

> How does a slow and steady appreciation of any metallic currency affect the relations of business classes? Does it rob borrowers and enrich lenders? Does it favor the consumers by giving low prices and hurt producers in the same degree? Does it tax enterprise and paralyze the nerves of business? The answer is an emphatic No. Steadiness in the rate of appreciation of money is the salvation of business. . . . It is changes in the rate of inflation or of contraction that produce marked and damaging effects at the critical points of business life.[1]

Whether or not this view be accepted as sound, it will be well to bear in mind that fully seventy-five per cent of the mortgage debt in force January 1, 1890, was incurred within five years, and but 8.02 per cent before 1880.[2] Consequently, at any given time the increased burden from outstanding indebtedness because of the gold standard cannot be very considerable. These facts also render untenable the position of those who hold the gold standard accountable in part for the frequency and severity of panics and commercial depressions.

If the appreciation of gold is responsible for the present low ebb of agricultural prosperity, we should naturally expect the farmers of Canada, separated from those of the United States only by an imaginary line, to share in that opinion. That they feel quite keenly the stress of the present era of low prices does not admit of doubt; yet it is perfectly clear that they do not find the cause of their difficulties in the gold standard. A platform adopted at London, Ontario, September 22, 1891, by the Patrons of Industry of that province, contains declarations upon the public lands, civil service reform, economy in the administration of the government, railways, *etc.*, but has not a word to say about the currency. The editor of the *Farmer's Advocate and Home Magazine* of London, Ontario,

[1] POLITICAL SCIENCE QUARTERLY, June, 1896, p. 251.

[2] Eleventh Census, volume on Real-Estate Mortgages, p. 313.

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ELECTRONIC REPRODUCTION PROHIBITED

wrote me May 2, 1896: "There has been no demand here for more currency, and beyond an article or so in the *Advocate* and some correspondence and editorial discussion in the *Globe* newspaper of Toronto, very little is said about bimetallism; it is not a live subject here at all." John W. Coppinger, United States Consul at Toronto, wrote on April 2, 1896: "There is no agitation here concerning the finances; people seem to be satisfied with their banking and currency system." Professor Goldwin Smith, in a personal letter of May 20, 1896, said: "No man of sense can imagine anything but mischief could be done by a derangement of the currency." Certainly the contrast between the farmers of the United States and those of Canada in their views upon the subject of currency could hardly be more striking. And the contrast is emphasized when we consider that "the difficulties surrounding agriculture are precisely the same in Canada as they are in the United States"[1]; and that the *per capita* circulation there is less than half what it is here.[2]

Having considered the most serious criticism urged against the gold standard, let us inquire how a law providing for the free and unlimited coinage of silver at the ratio of 16 to 1 would affect the interests of the farmer. That the immediate effect would be a precipitate passage to a silver standard hardly admits of a doubt. It is not a matter for surprise that, with nothing to check the force of the fall, the proposal to drop industrial interests abruptly to a silver standard should destroy the spirit of confidence, and cause the business world to look forward with dismay and terror to the readjustment of values which would follow. That the transition to this cheaper monetary standard would be accompanied by rising prices *in terms of silver* is a proposition from which no one is likely to dissent. Let us examine the effect of this movement by comparing the cases of two farmers, A and B. We will suppose each to have laid by a surplus of $1500 in cash five years ago, and that A

[1] Personal letter, April 13, 1896, from J. W. Dryden, Canadian Minister of Agriculture.

[2] Circular No. 123, revised edition, United States Treasury Department, July 1, 1896, pp. 26, 27.

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invested that amount in farm land, while B loaned a like sum to an enterprising neighbor. Any proposal that would involve depriving A of twenty-five per cent or more of his real estate would be promptly denounced as dishonorable. It is difficult to see how a proposition which involves depriving B of a portion of his claim upon dollars can stand ethically upon any higher level. The force of the comparison is strengthened if the farmer who invested his money in realty selected farm land or city property that has since increased in value. On what ground, therefore, does the plea of social necessity select as its victim the man who has a claim upon dollars in preference to the one who has a claim upon realty? Moreover, seventy-two per cent of farm-owning families own subject to no mortgage incumbrance,[1] and of the remainder by far the greater number are able to pay their debts. Judged by immediate results, then, what is to be said of a measure that would disturb debit and credit relationships throughout industrial society for the benefit of the few?

But perhaps the free coinage of silver would usher in an era of prosperity such as would justify the immediate losses which it would inflict upon individuals and society. On the contrary, this is very improbable. The rise in prices would stop after the transition to the new standard was an accomplished fact. It is probable, therefore, that, after industry had experienced a cycle of abnormal activity, the debtor class would be larger and more heavily involved than at present; and, with few exceptions, the arguments now advanced in behalf of the free coinage of silver would apply with equal force in support of an irredeemable paper currency.

Supposing this danger to be escaped, what peculiar virtues does silver possess which entitle it to preference over gold as a monetary standard? The advocates of free coinage assert that since 1873 silver has maintained a more constant purchasing power over farm products than gold; and in proof of this proposition usually cite the downward movement of the price of silver in company with the prices of cotton and wheat.

[1] Abstract of Eleventh Census, p. 225.

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Unfortunately for this theory, examples of a contradictory character are quite as numerous. During the four years ending with 1895, fifty per cent more silver was required to buy a hundred bushels of corn than during the four years ending with 1876; while seventy-five per cent more was needed to buy one hundred pounds of hogs. During the four years ending with 1895, seventy-five per cent more silver was necessary to buy one hundred pounds of cattle than during the four years ending with 1880; and fifty per cent more to buy a hundred pounds of tobacco or a ton of timothy hay.[1] Evidently the statement that silver possesses constant purchasing power with reference to farm products is an unwarranted generalization. It is true that the price of silver and the general average of prices for the principal products of the farm have both declined since 1873; but it is also true that a comparison of the four years ending in 1876 with the four years ending in 1895 shows the former to have declined about twice as much as the latter. The power to command the same quantity of farm commodities from time to time is therefore no more an attribute of silver than it is of gold. Furthermore, were it true that silver has been superior to gold in this respect during the past quarter of a century, what assurance is there that it would continue to be so during the next twenty-five years?

Lastly, would silver be a steadily depreciating standard? This is a difficult question to answer definitely. Admitting a depreciating standard of value to be desirable from the point of view of the farmer, it is consequently by no means certain that its advantages can be realized by the free coinage of silver. Moreover, in view of the analysis offered above of the appreciation of gold, what the farmer might hope to gain from a currency based upon a depreciating money metal is at best of doubtful importance.

This, then, is our principal conclusion: The independent, free and unlimited coinage of silver by the United States

[1] Cincinnati prices were used in making all these estimates. See Cincinnati Chamber of Commerce Report, 1895, pp. 114, 134, 150, 151, and United States Treasury Department Circular No. 123, July 1, 1896, p. 18.

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at the ratio of sixteen to one will not promote the prosperity of the American farmer. Passing to a silver standard will only temporarily lighten the burden of mortgage debt resting upon farms. Those farmers whose debts are payable in gold would not even experience temporary relief. During the transition to the new standard, moreover, delinquent debtors would be more or less seriously embarrassed by the disposition of their creditors to enforce immediate payment. The rise of prices, by increasing the cost of living, would undoubtedly curtail for many years the consuming power of the wage-receiving class, and thereby lessen somewhat the demand for the products of the farm. That higher prices for his products, in terms of a cheaper monetary standard, can enable the farmer in the long run to command more of the material comforts of life than he would enjoy under the present standard is a proposition difficult to understand. Violent fluctuations in prices under a silver standard, whether due to over-production, commercial depressions or any other cause, would probably be no less frequent, and the losses thereby inflicted upon agricultural industry no less disastrous than at present. Steadiness of purchasing power is one of the marks of a sound monetary system, and there is no reason to believe that a currency based upon silver is superior for this purpose to one based upon gold.

2. *The general property tax and the farmer.* — There is no doubt that the system of taxation upon which the state governments and minor civil divisions at present depend for revenue is a source of injustice to the farmer. A century ago, when values were for the most part represented in real estate, when property was to only a slight degree differentiated, the general property tax was fairly equitable. At that time

> there were comparatively few banks; there was not a single railroad company, and of course none of that mass of easily concealed property based on railroads, such as stocks and bonds; there was not a telegraph or telephone company, nor were there any traces of that property which consists of their evidences of indebtedness; there was not one gas company; there was not one street-car line; and the manufacturing corporations of our day had scarcely begun to exist.[1]

[1] Prof. R. T. Ely, Taxation in American States and Cities, pp. 139, 140.

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The problem in taxation is to devise some way to make the owners of these new kinds of property pay their due share of the taxes.

That incorporeal values, such as bonds and notes, escape the burden of taxation is a notorious fact. As Professor Seligman points out :

> From 1860 to 1880 the assessed valuation of real estate increased from 6,933 millions of dollars to 13,036 millions, while that of personal property decreased from 5,111 to 3,866 millions. In 1890 the assessed valuation of real estate had grown to 18,956, while that of personal property was 6,516 millions, — less than the figures of thirty years before.[1]

Between 1871 and 1893 the assessed value of real estate in New York increased 126 per cent, while that of personalty decreased nine per cent. That is, according to the returns of assessors, the owners of personal property in New York were $41,194,000 worse off in 1893 than in 1871.[2] In his report of January 20, 1891, the comptroller of New York state estimated that $2,500,000,000 of personal property in that state escaped taxation.[3] In 1893 ninety per cent of the taxes fell upon real estate, and but ten per cent upon personal property.[4] In no state, however, are inequalities in the burden of taxation upon real and personal property more glaring than in California. From 1867 to 1892 the percentage of personal property there declined from 47.17 per cent to 14.66 per cent of the total assessed for purposes of taxation.[5] Owing to the foregoing facts, the present system of taxation has been aptly characterized as follows :

> Personal property nowhere bears its just proportion of the burdens ; and it is precisely in those localities where its extent and importance are the greatest that its assessment is the least. The taxation of personal property is in inverse ratio to its quantity ; the more it increases the less it pays.[6]

[1] Professor Seligman, Essays in Taxation, p. 27.
[2] *Ibid.*, p. 28.
[3] Report of Senator Peffer, Agricultural Depression, February 15, 1894, p. 56.
[4] Seligman, *op. cit.*, p. 28.
[5] Senator Peffer, *op. cit.*, p. 55.
[6] Seligman, *op. cit.*, p. 27.

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Probably Chicago affords the most striking illustration of the hopeless inefficiency of the present system of taxation for securing from personal property contributions for public expenditure. In 1894, in Cook County, personal property paid but fourteen per cent of the taxes.[1] The twenty years intervening between 1873 and 1894 covered a period of extraordinary prosperity for Chicago. Its population increased fully 1,200,000 and its area 150 square miles, yet the assessed value of personal property advanced but $16,000,000.[2] Cincinnati, also, well illustrates the shortcomings of the general property tax so far as personalty is concerned.[3] In a special message of April 6, 1887 to the Ohio legislature upon the non-return of personal property for taxation, Governor Foraker used the following language:

> Personal property is valued all the way from full value down to nothing; in fact, the great majority of the personal property of the state is not returned, but entirely and fraudulently withheld from taxation.[4]

It is almost incredible that farmers have not been more emphatic in their protests against a system in the overthrow of which they are personally interested. The investments of farm communities are only to a small extent in the new forms of wealth, such as stocks and bonds, which so readily escape their contributions to the state. Furthermore, no small part of the personal property of the country is plainly visible to the tax collector's eyes.

It is easy for the assessor in a country township to see the farmer's land and his horses and his cattle. In the towns and cities, however, personal property assumes other forms. No assessor knows or can know whether one man has money loaned on mortgage security in Kansas, or whether another man owns shares of stock in a New England railway company.[5]

[1] Seligman, *op. cit.*, p. 27.

[2] Chicago Board of Trade Report, 1894, p. 171; W. T. Stead, If Christ Came to Chicago, p. 211.

[3] Cincinnati Chamber of Commerce Report, 1894, p. 195.

[4] Ely, Taxation in American States and Cities, p. 155.

[5] Report of Ohio Tax Commission, 1893, p. 22.

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Professor Seligman has expressed the same thought in the following language:

> The weight of taxation really rests on the farmer, because in the rural districts the assessors add the personalty, which is generally visible and tangible, to the realty, and impose the tax on both. . . . What is practically a real-property tax in the remainder of the state becomes a general property tax in the rural districts. The farmer bears not only his share, but also that of the other classes of society.[1]

According to the report of the Ohio Tax Commission for 1893, Preble County, an agricultural community having one village of about 3,000 inhabitants, one national bank with a capital of $50,000 and one savings and loan association, returned for taxation in 1890 nearly one-third as much personalty as Hamilton County, containing the city of Cincinnati, with a population of 296,000, banking capital of over $13,000,000 and bank deposits of $28,000,000, besides a large number of building and loan associations with deposits of $35,000,000.[2] The county of Muskingum, with a population about one-seventh that of Hamilton County, returns for taxation almost half as much in the shape of intangibles.[3] Lucas County, containing the flourishing city of Toledo and numbering twice the population of Muskingum, returns less than half as much personalty for taxation.[4] In the counties of Ohio containing the five principal cities, the percentage of personalty to the entire assessed valuation is but half what it is in the remaining counties of the state.[5] The report of the Ohio Tax Commission thus summarizes the situation:

> It must be perfectly apparent to any one . . . that, while in the country counties, where the assessor is personally acquainted with the circumstances of the taxpayer and knows his wealth, taxation of intangible property is perhaps feasible, it is in the city counties an utter failure. . . . It is the country counties which pay the taxes upon personal property.[6]

[1] Essays in Taxation, p. 32.
[2] Ohio Tax Commission, 1893, p. 28.
[3] *Ibid.*
[4] *Ibid.*, p. 29.
[5] *Ibid.*, p. 31.
[6] *Ibid.*

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But the escape of personal property from taxation is not the only feature of the present taxing system that works injustice to the farmer. Relatively to other property his holdings in realty have frequently been assessed too high. The railways of Ohio, for example, were appraised in 1892 for only a little over twice as much as the horses of the state,[1] or for from twenty-five to thirty per cent of their real value as estimated by capitalizing their annual net earnings.[2] Any one acquainted with the assessment of Ohio farms need not be told that this is a most unjust discrimination against the agricultural interests of the state. During the fourteen years following 1878, many of the Ohio roads spent enormous sums in the improvement of their road-beds and in bettering their rolling stock, and there was a substantial increase in their annual net earnings during these years; yet they were appraised for less at the end than at the beginning of the period.[3]

There is evidence, also, that the realty of the cities is not valued as highly for purposes of taxation as is that of the country. Of such inequality Chicago probably affords the most glaring example. During the twenty years from 1873 to 1893, population quadrupled and over $400,000,000 was expended in the construction of new buildings, while at the end of this period the assessed valuation of Chicago real estate was $116,000,000 less than at the beginning. That during these years the limits of Chicago were greatly extended, and that the increase of wealth in Cook County was mainly within the confines of that city, are facts familiar to every one; yet, of the assessed valuation of Cook County realty in 1893 a larger percentage was in that part of the county outside of Chicago than twenty years before.[4] To be more specific, in Chicago seventy of the choicest business blocks, together with the ground they occupy, are appraised by the assessors at less than one-tenth of their value.[5]

During the past fifteen years, moreover, in a number of states the farmers have witnessed twenty-five to fifty per cent

[1] Ohio Tax Commission, 1893, p. 51.
[2] *Ibid.*, p. 56. [3] *Ibid.*, p. 52.
[4] Report of Illinois Bureau of Labor, 1894, p. 69.
[5] *Ibid.*, p. 79.

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of the value of their farms disappear. Their incomes have correspondingly diminished; but taxes have continued unabated, in many instances being equivalent to twenty-five per cent of the net income.[1] The increase in the value of city real estate, in the periods intervening between valuations, has still further aggravated the inequality. Speaking of this subject, Governor Foraker, in his annual message of January 4, 1887, said:

> The last decennial appraisement of real estate was had at a period of great prosperity; it was a time of general high values; since then there has been a heavy decline; farm property is from twenty-five to fifty per cent cheaper to-day than it was then. The consequence is that farming lands of the state, where they have not been affected by the growth of cities or other development, are now taxed on the average more nearly at their full value than any other class of property. In fact the farm lands of some of the counties are taxed at even more than they could be sold for. But while this is true of the farm lands, the reverse is true of the real estate of many of the cities of the state where there has been growth and development, as in some portions of Cincinnati and in Cleveland, Toledo, Columbus and many other cities that might be named. The valuations placed upon the real estate of these cities in 1880 are in the aggregate fifty per cent of their present true value in money, and in some cases they will not exceed twenty-five per cent.[2]

The present system of taxation, furthermore, not only puts a premium upon perjury and renders honesty on the part of the taxpayer next to impossible, but it everywhere throws the burden of supporting the state upon those least able to bear it:

> The class of property that escapes taxation most is the class of property that pays the largest dividends. . . . Those who have to battle hardest with life for subsistence, are compelled to pay the most onerous taxes on the real value of their property.[3]
>
> The trusts, the corporations, the millionaires of Chicago pay taxes on less than one-tenth of the value of their enormous accumulations

[1] The fact that the annual net income of farm lands is frequently but two to four per cent renders this statement all the more significant.

[2] Ely, Taxation in American States and Cities, p. 151.

[3] Seligman, *op. cit.*, p. 33.

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of wealth, while the small property-owners are being taxed on from one-half to one-third of the value of their humble possessions.[1]

An eminent financier has said:

Land is less able to bear heavy taxes than almost any other kind of property.[2]

And again:

I question very much that there are any farms outside of the prairies, and away from the large towns, which, if they were charged with the labor bestowed upon them, at the rate of $1.00 per day for men and fifty cents a day for women, and with other necessary outlays (their original cost not included) and credited with the market value of their productions, and their estimated present value, would exhibit a balance on the right side of the account.[3]

Certain it is that the great fortunes of modern times have not been won by the owners of the soil used to supply the world with food.

The banker, merchant, manufacturer and capitalist have become wealthier than the landowner. . . . During the past thirty years, a still different source of wealth has sprung into existence. It has risen to first importance, and has created moneyed kings greater, stronger, richer even than the banker himself. A new financial era has been entered upon. Land, the old source of centralized wealth, . . . no longer maintains its preëminent importance. In its place has come the natural monopoly, and a new order of men are in control. Crassus and Crœsus were poor men compared with the modern Vanderbilts. A consolidated railroad has become greater than a dukedom.[4]

How to make the new forms of property that have come into existence in modern times contribute to public expenditure; how to make those industries that become more and more profitable with increase of population and social development, such as natural monopolies, bear the burden of taxation in proportion to their income — in short, how to secure equality of sacrifice in the payment of taxes, is the problem of taxation.

[1] Stead, If Christ Came to Chicago, p. 228.
[2] Hugh McCulloch, Men and Measures of Half a Century, p. 525.
[3] *Ibid.*, p. 523.
[4] Cook, Corporation Problem, p. 189.

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It is strange, indeed, that the farmers have not directed the influence of their organizations more zealously toward the reconstruction of a tax system that is admittedly unjust and indefensible. The fact that a tax assessed upon the value of farm lands cannot be reflected in the price of farm products and shifted upon the consumer, renders this remark all the more pertinent.

> It is not true that the farmer can recoup himself for the taxes which he pays by adding the tax to the price of his potatoes, or wheat or other products. The price which he gets for the great bulk of the things grown upon his farm is fixed by causes which often have their roots in different lands and among different nations.[1]

In no other direction are efforts to promote the interest of the farmer, by means of legislative action, more likely to be fruitful of results than by a reform of the existing system of state taxation. It has been estimated that were the burden of taxation in Massachusetts equitably adjusted between real and personal property, the rate of taxation would be reduced from $15.00 to $8.44 on the $1000.[2] But for the extent to which the interest of the farmer has been absorbed in matters of national politics, to the exclusion of state and local affairs, it is probable that more of his energy and zeal would have been directed to the reform of the general property tax.

Space will not permit a consideration of various theories of taxation. For the purposes of this essay it is sufficient to have called attention to the existence of a problem, in the scientific and equitable solution of which the farmer probably has more to gain than any other class.

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[1] Ohio Tax Commission, 1893, p. 43.

[2] Report of Senator Peffer upon the Agricultural Depression, February 15, 1894, p. 56.

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# REPRESENTATIVE INSTITUTIONS IN BRITISH TRADE-UNIONISM.[1]

IN a preceding article we attempted to analyze trade-union experience with the more primitive expedients of democracy; and we gave reasons for our inference that government by mass meeting, direct election of officers, the referendum and the initiative tended to result either in inefficiency and disintegration, or else in the dominance of a dictator or a bureaucracy. We have now to see how far trade unions have succeeded in adopting a more efficient form of democracy, and what are the lessons to be learned from their experience of its working.

It is an interesting fact that the two organizations in the trade-union world which have adopted the greatest measure of representative institutions are those which are the most distinctly modern in their growth and preëminence. In numbers, political influence and annual income the great federal associations of coalminers and cotton operatives overshadow all others, and now comprise one-quarter of the total trade-union membership. We have elsewhere pointed out that these two trades, industrially so unlike, resemble each other in many important respects, and notably in their establishment of an expert civil service, exceeding in numbers and efficiency that possessed by any other trade.[2] They resemble each other also, as we shall now see, in the success with which they have solved the fundamental problem of democracy, the combination of administrative efficiency and popular control. In each case the solution has been found in the frank acceptance of representative institutions.

In the Amalgamated Association of Operative Cottonspinners, which may be taken as typical of cotton organizations, the "legislative power" is expressly "vested in a meeting comprising

[1] Copyright, 1896, by Sidney and Beatrice Webb.

[2] History of Trade-Unionism, p. 298.

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representatives from the various provinces and districts included in the association."[1] This "Cottonspinners' Parliament" is elected annually in strict proportion to membership, and consists of about a hundred representatives. It meets in Manchester regularly every quarter, but can be called together by the executive council at any time. Once elected, this assembly is, like the British Parliament, absolutely supreme. Its powers and functions are subject to no express limitations, and from its decisions there is no appeal. The rules contain no provision for taking a vote of the members; and though the agenda of the quarterly meeting is circulated for information to the executives of the district associations, so little thought is there of any necessity for the representatives to receive a mandate from their constituents, that express arrangements are made for transacting any other business not included in the agenda.[2]

The actual "government" of the association is conducted by an executive council elected by the general representative meeting, and consisting of a president, treasurer and secretary, with thirteen other members, of whom seven at least must be working spinners, whilst the other six are, by invariable custom, the permanent officials appointed and maintained by the principal district organizations. Here we have the "cabinet" of this interesting constitution — the body which practically directs the whole work of the association and exercises great weight in the counsels of the legislative body, preparing its agenda and guiding all its proceedings. For the daily work of administration this cabinet is authorized by the rules to appoint a committee, the "sub-council," which consists in practice of the six "gentlemen," as the district officials are commonly called. The actual executive work is performed by a general secretary,

[1] Rules of the Amalgamated Association of Operative Cottonspinners (Manchester, 1891), page 4, rule 7.

[2] Rule 5. The general representative meeting even resembles the British Parliament in being able itself to alter the fundamental basis of the constitution, including the period of its own tenure of office. The rules upon which the Amalgamated Association depends can be altered by the general representative meeting in a session called by special notice, without any confirmation by the constituents. — Rule 48.

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who himself engages such office assistance as may from time to time be necessary. In marked contrast with all the trade-union constitutions which we have hitherto described, the cottonspinners' rules do not give the election of this chief executive officer to the general body of members, but declare expressly that "the sole right of electing a permanent general secretary shall be vested in the provincial and district representatives when in meeting assembled, by whom his salary shall be fixed and determined."[1] Moreover, as we have already mentioned, the candidates for this office pass a competitive examination; and when once elected the general secretary enjoys a permanence of tenure equal to that of the English civil service, the rules providing that he "shall continue in office so long as he gives satisfaction."[2]

The Amalgamated Association of Cottonspinners is therefore free from all the early expedients for securing popular government. The general or aggregate meeting finds no place in its constitution, and the rules contain no provision for the referendum or the initiative. No countenance is given to the idea of rotation of office. No officers are elected by the members themselves. Finally, we have the complete abandonment of the delegate, and the substitution, both in fact and in name, of the representative. On the other hand, the association is a fully equipped democratic state of the modern type. It has an elected parliament, exercising supreme and uncontrolled power. It has a cabinet appointed by and responsible only to that parliament. And its chief executive officer, appointed once for all on grounds of efficiency, enjoys the civil-service permanence of tenure.[3]

[1] Rule 12. [2] Rule 12.

[3] The other branches of the cotton trade, notably the federation of weavers and card-room hands, are organized on the same principle of an elected representative assembly, itself appointing the officers and executive committee, though there are minor differences among them. The United Textile Factory Workers Association, of which the spinners form a part, is framed on the same model, a "legislative council," really an executive committee, being elected by the "conference" or representative assembly. Moreover, the rules of the several district associations of the Amalgamated Association of Operative Cottonspinners exhibit the same formative influences. In the smaller societies, confined to single villages, we find

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We have watched the working of this remarkable constitution during the last seven years, and we can testify to the success with which both efficiency and popular control are secured. The efficiency we attribute to the existence of the adequate, highly trained, and relatively well-paid and permanent civil service which we have already described.[1] But that this civil service is effectively under public control is shown by the accuracy with which the cotton officials adapt their political and industrial policy to the developing views of the members whom they serve. This sensitiveness to the popular desires is secured by the real supremacy of the elected representative. For this "Cottonspinners' Parliament" is no formal gathering of casual members to register the decrees of a dominant bureaucracy. It is, on the contrary, a highly organized deliberative assembly, with active representatives from the different localities, all alive to the distinct, and sometimes divergent, interests of their constituents. Their eager participation shows itself in constant "party meetings" of the different sections, at which the officers and workmen from each district consult together as to the line of policy to be pressed upon the assembly. Such consultation and deliberate joint action is, in the case of the Oldham representatives at any rate, carried even further. The constitution of the Oldham Operative Cottonspinners Provincial Association is, so far as we know, unique in all the annals of

the simple government by general meeting, electing a committee and officers. Permanence of tenure is, however, the rule, it being often expressly provided that the secretary and the treasurer shall each "retain office as long as he gives satisfaction." More than half the total membership, moreover, is included in two important "provinces," Oldham and Bolton, which possess elaborate federal constitutions of their own. These follow, in general outline, the federal constitution, but both retain some features of the older form. Thus in Oldham, where the officers enjoy permanence of tenure and are responsible only to the representative assembly, any vacancy is filled by general vote of the members. And though the representative assembly has supreme legislative and executive powers, it is required to take a ballot of all the members before deciding on a strike. On the other hand, Bolton, which leaves everything to its representative assembly, shows a lingering attachment to rotation of offices by providing that the retiring members of its executive council shall not be eligible for reëlection during twelve months.

[1] The twenty thousand members of the Amalgamated Association of Operative Cottonspinners command the services of ten permanent officials, besides numerous local officers still working at their trade.

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democracy in making express provision for the "caucus." The rules of 1891 ordain that

> whenever the business to be transacted by the representatives attending the quarterly or special meetings of the Amalgamation is of such importance to the interest of this association as to require unity of action in regard to voting by the representatives of this province, the secretary shall be required to summon a special meeting of the said representatives by announcing in the monthly circular containing the minutes the date and time of such meeting, which must be held in the council room at least seven days previous to the Amalgamation meeting taking place. The provincial representatives on the amalgamated council shall be required to attend such meeting, to give any information required, and all resolutions passed by a majority of those present shall be binding upon all the representatives from the Oldham province attending the amalgamated quarterly or special meetings, and any one acting contrary to his instructions shall cease to be a representative of the district he represents, and shall not be allowed to stand as a candidate for any office connected with the association for the space of twelve months. The allowance for attending these special meetings shall be in accordance with the scale allowed to the provincial executive council.[1]

But even without so stringent a rule, there would be but little danger that the representatives would fail to express the desires of the rank and file. Living the same life as their constituents and subject to annual election, they can scarcely fail to be in touch with the general body of the members. The common practice of requiring each representative to report his action to the next meeting of his constituents, by whom it is discussed in his presence, and the wide circulation of printed reports among all the members, furnish efficient substitutes for the newspaper press. On the other hand, the representative assembly, because it is a permanent institution wielding the supreme power, and because in practice its membership changes little from year to year, exercises a very real authority over the executive council which it elects every six months, and over the officers whom it has appointed. The typical member of the "Cottonspinners' Parliament," indeed, not only is experienced

[1] Rule 64 of "Rules and Regulations for the Government of the Oldham Operative Cottonspinners Provincial Association" (Oldham, 1891).

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in voicing the desires of his constituents, but also possesses in a comparatively large measure that knowledge of administrative detail and of current affairs which enables him to understand and control the proceedings of his officers.

The coalminers are, as we have elsewhere mentioned, not so nearly unanimous as the cotton operatives in their adoption of representative institutions. The two great counties of Northumberland and Durham have unions which preserve constitutions of the old-fashioned type. But when we pass to other counties, in which the miners have come more thoroughly under the influence of the modern spirit, we find representative government the rule. The powerful associations of Yorkshire, Lancashire and the Midlands are all governed by elected representative assemblies, which appoint the executive committees and the permanent officers. But the most striking example of the adoption of representative institutions among the coalminers is presented by the Miners Federation of Great Britain, established 1887. This great federal organization, which now comprises two-thirds of the coalminers in union, adopted from the outset a completely representative constitution. The supreme authority is vested in a "conference," summoned as often as required, which consists of representatives elected by each county or district association. This conference exercises uncontrolled power to determine policy, alter rules and levy unlimited contributions.[1] From its decision there is no appeal. No provision is made for taking the votes of the general body of members, and the conference itself appoints the executive committee and all the officers of the federation. Between the sittings of the conference the executive committee is expressly given power to take action to promote the interests of the federation, and no rule savoring of rotation of office deprives this executive of the services of its experienced members.

[1] This was expressly pointed out, doubtless with reference to some of the old-fashioned county unions which still clung to the custom of the referendum or the imperative mandate, in the circular summoning the important conference of July, 1893: "Delegates must be appointed to attend Conference *with full power to deal with the wages question*."

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The "Miners Parliament," as this conference may not improperly be termed, is in many respects the most important assembly in the trade-union world. Its regular annual session, held in some Midland town, often lasts for a whole week, whilst other meetings of a couple of days' duration are held as business requires. The fifty to seventy members who represent the several constituent bodies constitute an exceptionally efficient deliberative assembly. Among them are to be found the permanent officers of the county unions, some of the most experienced of the checkweighmen and the influential leaders of opinion in the mining villages. The official element, as might be expected, plays a prominent part in suggesting, drafting and amending the actual proposals, but the unofficial members frequently intervene with effect in the business-like debates. The public and the press are excluded; but the conference usually directs a brief and guarded statement of the conclusions arrived at to be supplied to the newspapers, and a full report of the proceedings — sometimes extending to over a hundred printed pages — is subsequently issued to the lodges. The subjects dealt with include the whole range of industrial and political policy, from the technical grievance of a particular district up to the "nationalization of mines." [1] The

[1] Thus the agenda for the annual conference in 1894, in addition to formal business, certain revisions of rules and the executive committee's report, comprised the Eight-Hours Bill, the stacking of coal, the making of Saturday a regular whole holiday, the establishment of a public department to prevent unscrupulous competition in trade, the amendment of the Mines Regulation and Employers' Liability Acts, international relations with foreign miners' organizations and the nationalization of mines. It may here be observed that the representatives at the federal conference have votes in proportion to the numbers of the members in their respective associations. This practice, often called "proxy voting," or more accurately "the accumulative vote," has long been characteristic of the coalminers' organizations, though unknown to any other section of the trade-union world. Thus the rules of the Miners Federation of Great Britain are silent as to the number of representatives to be sent to the supreme "Conference," but provide "that each county, federation or district shall vote upon all questions as follows, *viz.*: one vote for every 1000 financial members or fractional part of 1000, and that the vote in every case shall be taken by numbers" (Rule 10). A similar principle has always been applied at the International Miners' Conferences, and the practice prevails also in the several county unions or federations. The Lancashire and Cheshire Federation fixes the number of representatives to be sent to its Con-

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actual carrying out of the policy determined on by the conference is left unreservedly to the executive committee, but the conference expects to be called together whenever any new departure in policy is required. In times of stress the executive committee shows its real dependence on the popular assembly by calling it together every few weeks.[1] And the success with which the Miners Federation wields its great industrial and political power over an area extending from Fife to Somerset and a membership numbering two hundred thousand, furnishes eloquent testimony to the manner in which it has known how to combine efficient administration with genuine popular assent.

The great federal organizations of cotton operatives and coalminers stand out from among the other trade unions in respect of the completeness and success with which they have adopted representative institutions. But it is easy to trace a like tendency throughout the whole trade-union world. The discredit into which such expedients as the mass meeting, rotation of office, the referendum and the restriction of delegates by the

ferences at one per 500 members, but expressly provides that the voting is to be "by proxy" in the same proportion. The Midland Federation adopts the same rule. The Yorkshire, Nottinghamshire, Durham and West Cumberland associations allow each branch or lodge only a single representative, whose vote counts strictly in proportion to the membership he represents. This "accumulative vote" is invariably resorted to in the election of officers and in all important decisions of policy, but it is not uncommon for minor divisions to be taken, unchallenged, on the principle of "one man one vote." It is not easy to account for the exceptional preference of the coalminers for this method of voting, especially as their assemblies are, as we have pointed out, in practice more "representative" in their character, and less trammeled by the idea of the imperative mandate, than those of any other trade but the cotton operatives. The practice facilitates, it is true, a diminution in the size of the meetings, but this appears to be its only advantage. In the absence of any system of "proportional representation" it affords no real guide to the relative distribution of opinion; the representatives of Yorkshire, for instance, in casting the vote of the county, can at best express the views only of the majority of their constituents, and have therefore no real claim to outvote a smaller district, with whose views nearly half their own constituents may be in sympathy. If, on the other hand, the whole membership of the Miners Federation were divided into fairly equal electoral districts, each electing a single member, there would be far more chance of every variety of opinion being represented, whilst an exact balance between the large and the small districts would nevertheless be preserved.

[1] During the great strike in 1893 the conference met eight times in six months.

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imperative mandate have generally fallen, has led to the gradual substitution of more representative forms of government. We have already commented on the innovation, now almost universal in the trade-union world, of entrusting the task of revising rules to a specially elected committee. It was at first taken for granted that the work of such a revising committee was limited to putting into proper form the amendments proposed by the branches themselves, and sometimes to choosing among them. Gradually, however, the revising committees have assumed and have been clothed with an ever-wider discretion, until in most cases they nowadays find themselves in practice free to make changes according to their own judgment. And though it is still usual in most societies for the revised rules to be laid before the members or branches for subsequent ratification, this is coming more and more to be given as a matter of course. It is, however, not for constitutional revisions alone that we find representative institutions superseding the older forms. During the last twenty years there has been a strong tendency in many of the larger unions to substitute for the "governing branch" an executive committee representative of the whole body of the members. Thus the Amalgamated Society of Railway Servants (established 1872) administers the affairs of its 40,993 members by an executive committee of thirteen (together with the three officers), elected annually by ballot in thirteen equal electoral districts.[1] This committee meets in London at least quarterly, and can be summoned oftener if required. Above this is the supreme authority of the annual assembly of sixty delegates, elected by sixty equal electoral districts, and sitting for four days to hear appeals, alter rules and determine the policy of the union. A similar system is found in the constitution of the Associated Society of Locomotive Enginemen and Firemen (established 1880) and in that of the London and Counties Labor League (established 1872).[2] It is this model that has

[1] The practice of electing the executive committee *by districts* is, as far as we know, almost unknown in the political world. But in the little Canton of Zug (Switzerland) the seven members of the *Regierungsrath*, or executive cabinet, are severally elected by the seven districts into which the canton is divided.

[2] This society was dissolved in 1895.

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been followed, with unimportant variations in detail, by the more durable of the labor unions which sprang into existence in the great upheaval of 1889, among which the gasworkers and the dockers are the best known.

The most striking instances of the change of trade-union opinion in this respect are to be found in the constitutional development of the Amalgamated Society of Engineers (79,134 members) and the National Union of Boot and Shoe Operatives (43,959 members), the two societies which, outside the worlds of cotton and coal, exceed all others in membership. Down to 1890 the National Union of Boot and Shoe Operatives was governed by a local executive council belonging to a single town, controlled only by occasional votes of a delegate assembly, meeting at first every four years, and afterward every two years. Five years ago the constitution was entirely transformed. The society was divided into five equal electoral districts, each of which elected one member to serve for two years on an executive council consisting of only these five representatives, together with the other officers elected by the whole body of members. To the representative executive thus formed was committed not only all the ordinary business of the society, but also the final decision in cases of appeals against the decision of a branch. The delegate meeting, or "National Conference," is thus not only the final court of appeal, but meets to determine policy and revise rules, and its decisions no longer require ratification by the members' vote. Although the referendum and the mass meeting of the district still form part of the constitution, the complication and difficulty of the issues which have cropped up during the last few years have led the executive council to call together the national conference at frequent intervals, in preference to submitting questions to the popular vote.

In the case of the Amalgamated Society of Engineers the constitutional revolution has been far more sweeping. In the various editions of the engineers' rules from 1851 to 1891 we find the usual reliance on the mass meeting, the referendum and the direct election of all officers by the members at large. We also see the executive control vested in a committee elected

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by a single district, — the chairman, moreover, being forbidden to serve for more than two years in succession. In the case of the United Society of Boilermakers we have already described how a constitution of essentially similar type has resulted in remarkable success and efficiency, but at the sacrifice of all real control by the members. In the history of the boilermakers from 1872 onward we watch the virtual abandonment in practice, for the sake of a strong and united central administration, of everything that tended to weaken the executive power. The engineers, on the contrary, clung tenaciously to every institution or formality which protected the individual member against the central executive.[1] Meanwhile, although the very object of the amalgamation in 1851 was to secure uniformity of trade policy, the failure to provide any salaried official staff left the central executive with little practical control over the negotiations conducted or the decisions arrived at by the local branch or district committee. The result was not only failure to cope with the vital problems of trade policy involved in the changing conditions of the industry, but also an increasing paralysis of administration, against which officers and committeemen struggled in vain. When in 1892 the delegates met at Leeds to find a remedy for these evils, they brought from the branches two leading suggestions. One party urged the appointment, in aid of the central executive, of a salaried staff of district delegates, elected, in direct imitation of

[1] In financial matters, for instance, though every penny of the funds belonged to the whole society, each branch retained its own receipts, subject only to the cumbrous annual "equalization." The branch accordingly had it in its power to make any disbursement it chose, subject only to subsequent disallowance by the central executive. Nor was the decision of the central executive in any way final. The branch aggrieved by any disallowance could, and habitually did, appeal, not to the members at large, who would usually have supported the executive, but to another body, the general council, which met every three years for the express purpose of deciding such appeals. There was even a further appeal from the general council to the periodical delegate meeting. In the meantime the payment objected to was not required to be refunded, and it will therefore easily be understood that the vast majority of executive decisions were instantly appealed against. When we add that each of these several courts of appeal frequently reversed a large proportion of the decisions of its immediate inferior, the effect of these frequent appeals in destroying all authority can easily be imagined.

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those of the boilermakers, by the whole society. Another section favored the transformation of the executive committee into a representative body, and proposed the division of the country into seven equal electoral districts, each of which should elect a representative to a salaried executive council sitting continually in London, and thus giving its whole time to the society's work. Probably these remedies, aimed at different sides of the trouble, were intended as alternatives. It is significant of the deep impression made upon the delegate meeting that it eventually adopted both, thus at one blow increasing the number of salaried officers from three to seventeen.

Time has yet to show how far this revolution in the constitution of the Amalgamated Society of Engineers will conduce either to efficient administration or to genuine popular control. But it is easy to see that government by an executive committee of this character differs essentially from government by a representative assembly appointing its own cabinet, and that it possesses certain obvious disadvantages. The eight members, who are thus transferred by the vote of their fellows from the engineer's workshop to the Stamford Street office, become by this fundamental change of life completely severed from their constituents. Spending all their days in office routine, they necessarily lose the vivid appreciation of the feelings of the man who works at the lathe or the forge. Living constantly in London, they are subject to new local influences, and tend unconsciously to get out of touch with the special grievances or new drifts of popular opinion on the Tyne or the Clyde, at Belfast or in Lancashire. It is true that the representatives hold office for only three years, at the expiration of which they must present themselves for reëlection; but there would be the greatest possible reluctance amongst the members to relegate to manual labor a man who had once served them as a salaried official. Unless, therefore, a revulsion of feeling takes place among the engineers against the institution itself, the present members of the representative executive committee may rely with some confidence on becoming practically permanent officials.

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These objections, however, do not apply with equal force to other examples of a representative executive. The tradition of the Stamford Street office — that the whole mass of friendly-society business should be dealt with in all its details by the members of the executive committee themselves — involves their daily attendance and their daily complete absorption in office work. In other trade unions which have adopted the same constitutional form, the members of the representative executive reside in their constituencies and in some cases even continue to work at their trade. They are called together, like the members of a representative assembly, at quarterly or other intervals to decide only the more important questions, the detailed executive routine being delegated to a local sub-committee or to the official staff. Thus the executive committee of the National Union of Boot and Shoe Operatives usually meets for only one day a month; the executive committee of the Associated Locomotive Engineers and Firemen is called together only when required, usually not more than once or twice a month; the executive council of the Amalgamated Society of Railway Servants comes to London once a quarter, and the same practice is followed by the executive committee of the National Union of Gasworkers and General Laborers. It is evident that in all these cases the representative executive, whether formed of the salaried officials of the districts or of men working at their trade, has more chance of remaining in touch with its constituents than in the case of the Amalgamated Society of Engineers.

But there is, in our opinion, a fundamental drawback to government by a representative executive, even under the most favorable conditions. One of the chief duties of a representative governing body is to criticise, control and direct the permanent official staff, by whom the policy of the organization must actually be carried out. Its main function, in fact, is to exercise real and continuous authority over the civil service. Now all experience shows it to be an essential condition that the permanent officials should be dependent on and genuinely subordinate to the representative body. This condition is fulfilled in the constitutions, such as those of the Amalgamated

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Society of Cottonspinners and the Miners Federation, where the representative assembly itself appoints the officers, determines their duties and fixes their salaries. But it is entirely absent in all trade-union constitutions based on a representative executive. Under this arrangement the executive committee neither appoints the officers nor fixes their salaries. If the representative executive, unlike the old governing branch, can in its corporate capacity claim to speak in the name of all the members, so can the general secretary himself, and often each assistant secretary. All alike hold their positions from the same supreme power, the votes of the members, and have their respective duties and emoluments defined by the same written constitution, the society's rules.

This absence of any coördination of the several parts of the constitution works out, in practice, in one of two ways. Feeling itself powerless to control the officials, the executive committee constantly tends to make a tacit and half-unconscious compact with them, based on mutual support against the criticism of their common constituents. If the members of the committee are themselves salaried officials, they not only have a fellow-feeling for the weaknesses of their brother officials, but they also realize vividly the personal risk of appealing against them to the popular vote. If, on the other hand, the members continue to work at their trade, they feel themselves at a hopeless disadvantage in any such appeal. They have neither the business experience nor the acquaintance with details necessary for a successful indictment of an officer who is known from one end of the society to the other, and who enjoys the advantage of controlling its machinery. The result is frequently the formation of a governing clique, half officials, half representatives. This has all the disadvantages of such a bureaucracy as we have described in the case of the United Society of Boilermakers, without the efficiency made possible by its hierarchical organization and the predominant authority of the head of the staff.

But there is, as we have said, an alternative. There is one way in which the society may secure some kind of check on

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its permanent officials. There may arise jealousies between the several officers or between them and some of the members of the executive committee. We have known instances in which an incompetent and arbitrary general secretary has been pulled up by one or other of his colleagues who wanted to succeed to his place. More frequently the suspicion engendered by the relation of competitors for popular suffrage checks, it may be, some positive malpractices, but results also in the obstruction of useful measures of policy, or even in their failure through disloyalty. To sum up, if the men who meet at headquarters in one or another capacity are "good fellows," the machine will work smoothly with such efficiency as their industry and capacity happens to be equal to, but all popular control over this governing clique will disappear. If, on the other hand, there are among them restless spirits, "conscientious critics" or disloyal comrades, the general body of members may rest assured that they will be kept informed of what is going on, but at the cost of seeing their machinery of government constantly clogged by angry recriminations and appeals.

We see, then, that although government by a representative executive is a real advance on the old expedients, it is likely to prove inferior to government by a representative assembly, appointing its own cabinet and officers. But a great national trade union extending from one end of the kingdom to the other cannot easily adopt the superior form, even if the members desire it. The cotton operatives enjoy the special advantage of having practically all their membership within a radius of thirty miles from Manchester. The frequent gatherings of a hundred delegates, held usually on Saturday afternoons, entail, therefore, no loss of working time and little expense to the organization. The same consideration applies to the great bulk of the membership of the Miners Federation, three-fourths of which is concentrated in Lancashire, West Yorkshire and the industrial Midlands. Even the outlying coalfields, moreover, enjoy the advantage of close local concentration, so that a single delegate may effectively represent the hundreds of

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lodges in his own county. And it is no small consideration that the total membership of the Miners Federation is so large that the cost of frequent meetings of fifty to seventy delegates bears only a trifling proportion to the resources of the union. Very different is the position of the great unions in the engineering and building trades. The 40,000 home members of the Amalgamated Society of Carpenters, for instance, are divided into 574 branches, scattered over 350 separate towns or villages. Each town has its own working rules, its own standard rate and normal day, and lacks intimate connection with the towns right and left of it. The representative chosen by the Newcastle branch might easily be too much absorbed by the burning local question of demarcation against the shipwrights to pay much attention to the simple grievances of the Hexham branch as to the Saturday half-holiday, or to the multiplication of apprentices at the joinery shops at Darlington. Similar considerations apply to the 446 branches of the Amalgamated Society of Engineers, whose 75,000 home members are working in 300 different towns. In view of the increasing uniformity of working conditions throughout the country, the concentration of industry in large towns, the growing facilities of travel and the steady multiplication of salaried local officials, we do not ourselves regard the geographical difficulty as insuperable. But it is easy to understand why, with so large a number of isolated branches, it has not yet seemed practicable to constitutional reformers in the building or the engineering trades to have frequent meetings of representative assemblies.

The tardiness and incompleteness with which trade unions have adopted representative institutions is mainly due to a more general cause. The workman has been slow to recognize the special function of the representative in a democracy. In the early constitutional ideals of trade-unionism the representative finds, as we have seen, absolutely no place. The committeeman elected by rotation of office or the delegate deputed to take part in a revision of rules was habitually regarded only as a vehicle by which "the voices" could be mechanically conveyed. His task required, therefore, no special qualification

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beyond intelligence to comprehend his instructions and a spirit of obedience in carrying them out. Very different is the duty cast upon the representative in such modern trade-union constitutions as those of the cotton operatives and coalminers. His main function is still to express the mind of the average man; but unlike the delegate, he is not a mechanical vehicle of votes on particular subjects. The ordinary trade-unionist has but little facility in expressing his desires, and no conception as to how they can actually be satisfied. In default of an expert representative he has to depend on the professional administrator. For this particular task, however, the professional administrator is as incompetent as the ordinary man, though for a different reason. Separated in his life from that of the average workman, the official is deprived of close acquaintance with the actual grievances of the mass of the people. Immersed in office routine, he is apt to fail to understand from their vague and inconsistent complaints what it is they really desire. On the other hand, the ordinary workman, unversed in the technicalities of administration, is unable to judge by what particular expedient his grievances can best be remedied, and is disposed to insist on impracticable solutions of difficulties that he does not understand. To act as an interpreter between the people and their servants is, therefore, the first function of the representative.

But this is only half of his duty. To him is entrusted also the difficult and delicate task of controlling the professional experts. Here, as we have seen, the ordinary man completely breaks down. The task, to begin with, requires a certain familiarity with the machinery of government, and a sacrifice of time and a concentration of thought out of the reach of the average man absorbed in gaining his daily bread. So much is this the case that when the administration is complicated a further specialization is found necessary, and the representative assembly itself chooses a cabinet or executive committee of men specially qualified for this duty. A large measure of intuitive capacity to make a wise choice of men is, therefore, necessary even in the ordinary representative. Finally, there

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comes the important duty of deciding upon questions of policy or tactics. The ordinary citizen thinks of nothing but clear issues on broad lines. The representative, on the other hand, finds himself constantly called upon to choose between the nicely balanced expediencies of compromise necessitated by the complicated facts of practical life. On his shrewd judgment of actual circumstances will depend his success in obtaining, not all that his constituents desire—for that he will quickly recognize as Utopian,—but the largest installment of those desires that may be then and there possible.

To construct a perfect representative assembly can, therefore, never be an easy task; and in a community exclusively composed of manual workers dependent on weekly wages, the task is one of exceptional difficulty. A community of bankers and business entrepreneurs finds it easy to secure a representative committee to direct and control the paid officials whom it engages to protect its interests. Constituents, representatives and officials are living much the same life, are surrounded by the same intellectual atmosphere, have received approximately the same kind of education and mental training and are constantly engaged in one variety or another of what is essentially the same work of direction and control. Moreover, there is no lack of persons able to give the necessary time and thought to expressing the desires of their class and to seeing that they are satisfied. It is, therefore, not surprising that representative institutions should be seen at their best in middle-class communities. In all these respects the manual workers stand at a grave disadvantage. Whatever may be the natural endowment of the workman selected by his comrades to serve as a representative, he stands unequipped with that special training and that general familiarity with administration which will alone enable him to be a competent critic and director of the expert professional. Before he can place himself on a level with the trained official whom he has to control, he must devote his whole time and thought to his new duties, and must therefore give up his old trade. This unfortunately tends to alter his manner of life, his habit of mind and usually also his

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intellectual atmosphere to such an extent that he gradually loses a vivid appreciation of the feelings of the man at the bench or the forge, which it is his function to express. There is in the problem a certain cruel irony which accounts, we think, for some of the unconscious exasperation of the wage-earners all over the world against representative institutions. Directly the workingman representative becomes properly equipped for one half of his duties, he ceases to be specially qualified for the other. If he remains essentially a manual worker, he fails to cope with the brain-working officials; if he takes on the character of the brain-worker, he is apt to get out of touch with the constituents whose desires he has to interpret.

We seem, therefore, face to face with an insuperable difficulty. All our analysis points to the necessity in trade-union democracy of the representative assembly. Yet a good representative assembly is precisely what a community of manual workers will always find it most difficult to obtain. Experience, however, shows that, at any rate in the trade-union world, the problem has not been insoluble. No careful student of the representative assemblies of the federal unions of cotton operatives and coalminers can have any doubt of their remarkable efficiency, both in representing the wishes of their constituents and in controlling their very able civil service. It will therefore be interesting to see how the shrewd workmen of Lancashire, Yorkshire and the Midlands have surmounted this constitutional difficulty.

In the parliaments of the cottonspinners and coalminers, we find habitually two classes of members, namely, salaried officials of the several districts and representative wage-earners still working at the mule or in the mine. It almost seems as if these modern organizations had consciously recognized the impossibility of combining in any individual representative both of the qualifications that we have specified. As it is, the presence in their assemblies of a large proportion of men who are still following their trade imports into their deliberations the full flavor of working-class sentiment. And by associating with these picked men from each industrial village the salaried officers

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from each locality, there is secured the knowledge, trained judgment and practical experience in administration, which are, as we have suggested, absolutely indispensable to any effective control over the professional experts. If the constituencies elected none but their fellow-workers, it is more than doubtful whether the representative assembly so formed would be competent for its task. If, on the other hand, the assembly consisted merely of a conference of salaried officers, appointing one or more of themselves to carry out the national work of the federation, it would inevitably fail to retain the confidence, even if it continued to express the desires, of the members at large. The conjunction of the two elements in the same representative assembly has in practice resulted in a very efficient working body.

It is, however, important to notice that in each of the trades the success of the experiment has depended on the fact that the organization is formed on a federal basis. The constituent bodies of the Miners Federation and the Amalgamated Association of Cottonspinners, for instance, have their separate constitutions, their distinct funds and their own official staffs. The salaried officers whom they elect to sit as representatives in the federal parliament have, therefore, quite other interests, obligations and responsibilities than those of the official staff of the Federation itself. The secretary of the Nottinghamshire Miners Association, for instance, finds himself able, when sitting as a member of the Conference of the Miners Federation, freely to criticise the action of the federal executive council or of the federal official staff, without in any way endangering his own position as a salaried officer. Similarly, when the secretary of the Rochdale Cottonspinners goes to the quarterly meeting at Manchester, he need have no hesitation in opposing and, if possible, defeating any recommendation of the executive council of the Amalgamated Association of Cottonspinners which he considers injurious to the Rochdale spinners. In the form of the representative executive, this use of salaried officers in a representative capacity is likely to tend, as we have seen, to the formation of a virtually irresponsible governing clique.

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But in the form of a federal representative assembly, where the federal executive and official staff are dependent, not on the members at large but on the assembly itself, and where the representatives are responsible to quite other constituencies and include a large proportion of the non-official element, this danger is reduced to a minimum.

We have now set before the reader an analysis of the constitutional development of trade-union democracy. The facts will be interpreted in different ways by students of different temperaments. To us they represent the long and inarticulate struggle of unlettered men to solve the problem, how to combine administrative efficiency with popular control. Assent was the first requirement. The very formation of a continuous combination, in the face of legal persecution and public disapproval, depended on the active concurrence of all the members. It was accordingly assumed without question that everything should be submitted to "the voices" of the whole body, and that each member should take an equal and identical share in the common project. As the union developed from an angry crowd unanimously demanding the redress of a particular grievance into an insurance company of national extent, obliged to follow some definite trade policy, the need for administrative efficiency more and more forced itself on the minds of the members. This efficiency involved an ever-increasing specialization of function. The growing mass of business and the difficulty and complication of the questions dealt with not only compelled the setting aside of particular members to do the work of the whole, but also involved the growth of an official class, marked off by capacity, training and habit of life from the rank and file. Failure to specialize the executive function quickly brought about extinction. On the other hand, this very specialization undermined the popular control, and thus risked the loss of the indispensable popular assent. The early expedients of rotation of office, the mass meeting and the referendum proved, in practice, utterly inadequate as means of securing genuine popular control. At each particular crisis the individual member found himself overmatched by the official machinery which he had

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created. At this stage irresponsible bureaucracy seemed the inevitable outcome. But democracy found yet another expedient, which in some favored unions has gone far to solve the problem. The specialization of the executive into a permanent expert civil service was balanced by the specialization of the legislature, in the establishment of a supreme representative assembly, itself undertaking the work of direction and control for which the members at large had proved incompetent. We have seen how difficult it is for a community of manual workers to obtain such an assembly, and how large a part is inevitably played in it by the ever growing number of salaried officers. But in the representative assembly these salaried officers sit in a new capacity. The work expected from them by their employers is not that of execution, but of criticism and direction. To balance the professional civil servant we have, in fact, the professional representative.

This detailed analysis of humble working-class organizations will to many readers be of interest in so far as it furnishes material for political generalizations. It is therefore important to consider to what extent the constitutional problems of trade-union democracy are analogous to those of national or municipal politics.

The fundamental requisites of government are the same in the democratic state as in the trade union. In both cases the problem is how to combine administrative efficiency with popular control. Both alike ultimately depend on a continuance of general assent. In a voluntary association, such as the trade union, this general assent is, as we have seen, the foremost requirement; but in the democratic state relinquishment of citizenship is seldom a practicable alternative, whilst the operation of changing governors is not an easy one. The consequence is that even in the most democratic of states the continuous assent of the governed is not so imperative a necessity as in the trade union. On the other hand, the degree of administrative efficiency necessary for the healthy existence of the state is far greater than in the case of the trade union. But whilst admitting this transposition in relative importance, it still remains

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true that in the democratic state, as in the trade union, government cannot continue to exist without combining a certain degree of popular assent with adequate administrative efficiency.

More important is the fact that the popular assent is in each case of the same nature. In the democratic state, as in the trade union, the eventual judgment of the people is pronounced not upon projects but upon results. It avails not that a particular proposal may have received the prior authorization of an express popular vote; if the results are not such as the people desire, the executive will not continue to receive their support. Nor does this, in the democratic state any more than in the trade union, imply that an all-wise government would necessarily secure this popular assent. If any particular stage in the march of civilization happens to be momentarily distasteful to the bulk of the citizens, the executive which ventures to step in that direction will be no less ruthlessly dismissed than if its deeds had been evil. All that we have said as to the logical futility of the referendum, and as to the necessity for the representative, therefore applies, we suggest, even more strongly to democratic states than to trade unions. For what is the lesson to be learned from trade-union history? The referendum, introduced for the express purpose of ensuring popular assent, has in almost all cases failed to accomplish its object. This failure is due, as the reader will have observed, to the constant inability of the ordinary man to estimate what will be the effect of a particular proposal. What the government requires is assent to results; what the referendum gives is assent to projects. No trade union has, for instance, deliberately desired bankruptcy; but many trade unions have persistently voted for scales of contributions and benefits which have inevitably resulted in bankruptcy. If this is the case in the relatively simple issues of trade-union administration, still more does it apply to the infinitely complicated questions of national politics.

But though in the case of the referendum the analogy is sufficiently exact to warrant the transformation of the empirical conclusions of trade-union history into a political generalization,

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it is only fair to point out some minor differences between the two cases. We have had occasion to describe how, in trade-union history, the use of the referendum, far from promoting popular control, has sometimes resulted in increasing the dominant power of the permanent civil service, and in making its position practically impregnable against any uprising opinion among its constituents. This particular danger would, we imagine, scarcely occur in a democratic state. In the trade union the executive committee occupies a unique position. It alone has access to official information; it alone commands expert professional skill and experience; and, most important of all, it monopolizes in the society's official circular what corresponds to the newspaper press. The existence of political parties fairly equal in knowledge, ability and electoral organization, and each served by its own press, would always save the democratic state from this particular perversion of the referendum to the advantage of the existing government. But any party or sect of opinion which, from lack of funds, education or social influence, could not call to its aid the forces which we have named, would, we suggest, find itself as helpless in face of a referendum as the discontented section of a strong trade union.

We have seen, moreover, that there is in trade-union government a certain special class of questions in which the referendum has a distinct use. Where a decision will involve at some future time the personal cooperation of the members in some positive act essentially optional in its nature — still more where that act involves a voluntary personal sacrifice, or where not a majority alone but practically the whole body of the members must on pain of failure join in it, — the referendum may be useful, not as a legislative act, but as an index of the probability that the members will actually do what will be required of them. The decision to strike is obviously a case in point. Another instance may be found in the decisions of trade unions or other bodies that each member shall use his municipal or parliamentary franchise in a particular manner. Here the success or failure of the policy of the organization depends not on

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the passive acquiescence of the rank and file in acts done by the executive committee or the officers, but upon each member's active performance of a personal task. We cannot think of any case of this kind within the sphere of the modern democratic state. If indeed, as Mr. Auberon Herbert proposes, it were left to the option of each citizen to determine from time to time the amount and the application of his contributions to the treasury, the ministry would probably find it convenient, prior to making up the estimates, to take a referendum as a guide to how much would probably be paid. Or, to take an analogy very near to that of the trade-union decision to strike, if each soldier in the army were at liberty to leave at a day's notice, it would probably be found expedient to take a vote of the rank and file before engaging in a foreign war. In the modern democratic state, however, as it actually exists, it is not left to the option of the individual citizen whether or not he will act in the manner decided on. The success or failure of the policy therefore does not depend on obtaining universal assent and personal participation in the act itself. Whether the citizen likes it or not, he is compelled to pay the taxes and obey the laws which have been decided on by the competent authority. Whether or not he will maintain that authority in power, will depend not on his original judgment as to the expediency of the tax or the law, but on his approval or disapproval of the subsequent results.

If trade-union history throws doubt on the advantages of the referendum, still less does it favor the institution of the delegate as distinguished from the representative. Even in the comparatively simple issues of trade-union administration, it has been found, in practice, quite impossible to obtain definite instructions from the members on all the matters which come up for decision. When, for instance, the sixty delegates of the Amalgamated Society of Engineers met in 1892 to revise the constitution and trade policy of their society, they were supposed to confine themselves to such amendments as had previously received the sanction of one or other of the branches. But although the amendments so sanctioned filled over five hundred printed pages, it was found impossible to construct

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from this material alone any consistent constitution or line of policy. The delegates were necessarily compelled to exercise larger freedom and to frame a set of rules not contemplated by any one of the branches. And this experience of the engineers is only a type of what has been going on throughout the whole trade-union world. The increased facilities for communication, on the one hand, and the growth of representative institutions, on the other, in fact made the delegate obsolete. Wherever a trade union has retained the old ideal of direct government by the people, it has naturally preferred to the delegate meeting the less expensive and more thoroughgoing device of the referendum. For the most part, however, the increasing complication and intricacy of modern industrial affairs has, as we have seen, compelled the substitution of representative institutions. These considerations apply, it is obvious, with even greater force to the democratic state.

Trade-union history gives, therefore, but little support to the referendum or the delegate meeting, and points rather to government by a representative assembly as the last word of democracy. It is therefore important to see whether these trade-union parliaments have any lesson for the political student. The governing assemblies of even the most democratic states have, unlike trade-union parliaments, hitherto been drawn almost exclusively from the middle or upper classes, and have therefore escaped the special difficulties of communities of wage-earners. If, however, we assume that the manual workers, who number four-fifths of the population, will gradually become the dominant influence in the electorate, and will contribute an important and increasing section of the representatives, the governing assemblies of the coalminers or cotton operatives to-day may be to a large extent prophetic of the future legislative assembly in any English-speaking community.

One influence seems to us clear. Any effective participation of the wage-earning class in the councils of the nation involves the establishment of a new calling, that of the professional representative. For the parish or town council, indeed, it is possible to elect men who will continue to work at their trades,

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just as a trade-union branch can be administered by committeemen and officers in full work. We may imagine, moreover, that the district or county council could be attended by workmen, if the invariable trade-union practice of paying traveling expenses and an allowance for the actual time spent on the public business were adopted. The governing assembly of any important state must always demand practically the whole time of its members. The workingman representative in the House of Commons is therefore most closely analogous, not to the working miner or spinner who attends the coal or cotton parliament, but to the permanent and salaried official representatives, who, in both these assemblies, exercise the predominant influence and control the executive work. The analogy may therefore seem to point to the election to the House of Commons of the trained representative who has been successful in the parliament of his trade.

But such a suggestion misses the whole moral of trade-union history. The cotton or coal-mining official representative succeeds in influencing his own trade assembly because he has mastered the technical details of all the business that comes before it; because his whole life has been one long training for the duties which he has to discharge; because, in short, he has become a professional expert in ascertaining and representing the desires of his constituents and in bringing about the conditions of their fulfillment. But transport this man to the House of Commons, and he finds himself confronted with facts and problems as foreign to his experience and training as his own business would be to the banker or the country gentleman. The working class will presently recognize that the duties of a Parliamentary representative are as much a new business for the trade-union official as are the duties of a general secretary for the ordinary mechanic. When workmen desire to be as efficiently represented in the Parliament of the nation as they are in their own trade assemblies, they will find themselves compelled to establish a class of expert Parliamentary representatives, just as they have had to establish a class of expert trade officials.

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We need not consider in any detail what effect an influx of "labor members" of this new type would probably have upon the British House of Commons. Any one who has watched the deliberations of the coal or the cotton parliament, or the periodical revising committees of the other great unions, will have been impressed by the disinclination of the professional representative to mere talk, his impatience of dilatory procedure and his determination to "get the business through" within working hours. Short speeches, rigorous closure and an almost extravagant substitution of printed matter for lengthy "front bench" explanations render these assemblies among the most efficient of democratic bodies.

More important is it to consider in what respects, judging from trade-union analogies, the expert professional representative will differ from the unpaid politician to whom the middle and upper classes have hitherto been accustomed. We have already described how in the trade-union world the representative has a two-fold function, neither part of which may be neglected with impunity. He makes it just as much his business to ascertain and express the real desires of his constituents as he does to control and direct the operations of the civil servants of his trade. With the entrance into the House of Commons of men of this type the work of ascertaining and expressing the wishes of the constituencies would be much more deliberately pursued than at present. The typical member of Parliament to-day attends to such actual expressions of opinion as reach him from his constituency in a clear and definite form, but regards it as no part of his work actively to discover what the silent or inarticulate electors are vaguely desiring. He visits his constituency at rare intervals, and then only to expound his own views in set speeches at public meetings, whilst his personal intercourse is almost entirely limited to persons of his own class or to political wire-pullers. The result is that, whatever may be his intentions, he is seldom in touch with any but the middle or upper class, together with that tiny section of all classes to whom "politics" is of constant interest. Of the actual grievances and "dim inarticulate" aspirations of the bulk

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of the people, the lower middle and the wage-earning class, he has practically no conception. When representation of working-class opinion becomes a profession, as in the trade-union world, we see a complete revolution in the attitude of the representative towards his constituents. To find out what his constituents desire becomes an essential part of his work. It will not do to wait until they write to him, for the workingman is slow to put pen to paper. Hence the professional trade-union representative takes active steps to learn what the silent members are thinking. He spends his whole time, when not actually in session, in his constituency. He makes few set speeches at public gatherings, but he is diligent in attending branch meetings, and becomes an attentive listener at local committees. At his office he is accessible to every one of his constituents. It is, moreover, part of the regular routine of such a functionary to be constantly communicating with every one of his constituents by means of frequent circulars on points which he believes to be of special interest to them. If, therefore, the professional representative as we know him in the trade-union world becomes a feature of the House of Commons, the future member of Parliament will feel himself, in short, not only the authoritative exponent of the votes of his constituents, but also their "London correspondent," their Parliamentary agent and their expert adviser in all matters of legislation or general politics.

It is impossible to forecast all the consequences that would follow from raising (or, as some would say, degrading) the Parliamentary representative from an amateur to a professional. But among other things the whole etiquette of the situation would be changed. At present it is a point of honor in a member of Parliament not to express his constituents' desires when he conscientiously differs from them. To the "gentleman politician" the only alternative to voting as he himself thinks best is resigning his seat. This delicacy is unknown to any paid professional agent. The architect, solicitor or permanent civil servant, after tendering his advice and supporting his views with all his expert authority, finally carries out whatever policy

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his employer commands. This is also the view which the professional representative of the trade-union world takes of his own duties. It is his business not only to put before his constituents what he believes to be their best policy and to back up his opinion with all the argumentative power he can bring to bear, but also to put his entire energy into wrestling with what he conceives to be their ignorance, and to become for the time a vigorous propagandist of his own policy. But if, when he has done his best in this way, he fails to get a majority over to his view, he loyally accepts the decision and records his vote in accordance with his constituents' desires. We imagine that professional representatives of working-class opinion in the House of Commons would probably take the same course.[1]

This may at first seem to indicate a return of the professional representative to the position of a delegate. Trade-union experience points, however, to the very reverse. It must, in the first place, be borne in mind that in the great majority of cases a constituency cannot be said to have any clear and decided views on particular projects. What they ask from their representative is that he shall act in the manner which, in his opinion, will best serve to promote their general desires. It is only in particular instances, usually when some well-intentioned proposal entails immediately inconvenient results, that a wave of decided opinion spreads through a working-class constituency. It is exactly in cases of this kind that a propagandist campaign by a professional debater, equipped with all the facts, is of the greatest utility. Such a campaign would be the very last thing that a member of Parliament of the present type would venture upon if he thought that his constituents were against him. He would feel that the less the points of difference were made prominent, the better for his own safety.

[1] It is interesting to notice that in the country in which the "sovereignty of the people" has been most whole-heartedly accepted, the trade-union practice prevails. The members of the Swiss *Bundesrath* (Federal Cabinet) do not resign when any project is disapproved of by the legislature, nor do the members of the *Nationalrath* throw up their legislative functions when a measure is rejected by the electors on referendum. Both cabinet ministers and legislators set themselves to carry out the popular will.

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But once it came to be understood that the final command of the constituency would be obeyed, the representative would run no risk of losing his seat, merely because he did his best to convert his constituents. Judging from trade-union experience, he would in nine cases out of ten succeed in converting them to his own view and thus perform a valuable piece of political education. In the tenth case the campaign would have been no less educational, though in another way; and, whichever was the right view, the issue would have been made clear, the facts brought out and the way opened for the eventual conversion of one or other of the contending parties.

Trade-union experience indicates, therefore, a still further development in the evolution of the representative. Working-class democracy will indeed expect him to be able to understand and interpret the desires of his electors, and effectively to direct and control the administrating executive; but he must also count it as part of his duty to be the expert Parliamentary adviser of his constituency, and at times an active propagandist of his own advice. Thus, if any inference from trade-union history is valid in the larger sphere, the whole tendency of working-class democracy will unconsciously be to exalt the real power of the representative, and more and more to differentiate his functions from those of the ordinary citizen on the one hand, and of the expert administrator on the other. The typical representative assembly of the future will, it may be suggested, be as far removed from the House of Commons of to-day, as the latter is from the mere delegate meeting. We have already traveled far from the one man taken by rotation from the roll, and changed mechanically to convey "the voices" of the whole body. We may in the future leave equally behind the member to whom wealth, position or notoriety secures almost by accident a seat in Parliament, in which he can, in such intervals as his business or pleasure may leave him, decide what he thinks best for the nation. In his stead we may watch appearing in increasing numbers the professional representative — a man selected for natural aptitude, deliberately trained for his new work as a special vocation, devoting his whole time

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to the discharge of his manifold duties, and actively maintaining an intimate and reciprocal intellectual relationship with his constituency.

How far such a development of the representative will fit in with the party system as we now know it; how far it will increase the permanence and continuity of Parliamentary life; how far it will promote collective action and tend to increasing bureaucracy; how far, on the other hand, it will bring the ordinary man into active political citizenship, and rehabilitate the House of Commons in popular estimation; how far, therefore, it will increase the real authority of the people over the representative assembly, and of the representative assembly over the permanent civil service; how far, in fine, it will give us that combination of administrative efficiency with popular control which is at once the requisite and the ideal of all democracy — all these are questions which make the future interesting.

SIDNEY AND BEATRICE WEBB.

LONDON, ENGLAND.

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# THE LAW OF ANNEXED TERRITORY,

## AS DECLARED BY THE SUPREME COURT OF THE UNITED STATES.

THIS article will deal succinctly with two subjects: first, the controversy which has existed as to the legal power of the United States to annex territory; and second, the rights of the inhabitants of the territory annexed, as these rights have been declared by the Supreme Court of the United States.

In states of the more common type no question can arise as to their legal power to acquire sovereignty over and title in new territory. That power is recognized by international law; and it may be safely asserted that no restriction upon it will be found in their internal political arrangements. But the case is different with a body politic like the United States, under the Articles of Confederation or under its present constitution, where the government has only certain enumerated powers. Although the existence of the power of annexation cannot be questioned by other states, the power does not exist *de jure* for its own citizens without an express grant in the constitution.

### I.

The Articles of Confederation expressly provided for annexation in a particular case, that of Canada;[1] but the Confederation never annexed territory that was new in the sense of not having been a part of the component states. It did, however, acquire jurisdiction over and title in land that was originally a part of these states.

The Congress of the Confederation, on the 6th of September, 1780, recommended that the several states having claims to waste and unappropriated lands in the western country should

[1] "Article 11. Canada, acceding to this confederation and joining in the measures of the United States, shall be admitted into and entitled to all the advantages of this union: but no other colony shall be admitted into the same unless such admission be agreed to by nine States."

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cede to the United States liberal portions of their respective claims for the common benefit of the Union. On the 20th of December, 1783, Virginia passed an act of cession, authorizing the delegates of the state in the Congress of the United States to

> convey, transfer, assign and make over unto the United States in Congress assembled, for the benefit of the said states, . . . all right, title and claim, as well of soil as of jurisdiction, which the said commonwealth hath to the territory or tract of country within the limits of the Virginia charter, situate, lying and being to the northwest of the river Ohio,

subject to the terms and conditions contained in the act of Congress of the 13th of September, 1783. In pursuance of this authority Thomas Jefferson, Samuel Hardy, Arthur Lee and James Monroe, on the 1st of March, 1784, executed a conveyance of the said territory to the United States. This grant was accepted by the Confederation.[1] When the development of the slavery question had made the conditions of this grant very important, the supreme court declared, through Chief Justice Taney, that the Congress of the Confederation "had no power to accept it [the northwest territory] under the Articles of Confederation."[2]

The Constitution of the United States, unlike the Articles of Confederation, is entirely silent as to the acquisition of new territory. The title to the territory which had been acquired by the Confederation was by implication confirmed by section 3, article 4, of the constitution, which gave Congress the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.[3] In December, 1789, however, North Carolina passed an act authorizing its senators to cede to the United States its jurisdiction and title over its western territory. The power so conferred was exercised by deed dated February 25, 1790, and this cession was accepted by Congress in the act

[1] Poore, Charters and Constitutions, vol. i, p. 429.
[2] Scott *vs.* Sanford, 19 How. 393.
[3] *Ibid.*

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approved April 2, 1790.[1] No question seems ever to have been raised as to the constitutional power of the United States to acquire this territory.

The first acquisition by the United States of territory external to its limits at the time of the adoption of the federal constitution was that of Louisiana in 1803; and the power to make such acquisition came under discussion in connection with the treaty of cession between France and the United States. Article 1 of the treaty contains these words:

> The First Consul of the French Republic [Napoleon Bonaparte], desiring to give to the United States a strong proof of his friendship, doth hereby cede to the United States, in the name of the French Republic, forever and in full sovereignty, the said territory [the colony or province of Louisiana] with all its rights and appurtenances, as fully and in the same manner as they have been acquired by the French Republic in virtue of the above-mentioned treaty concluded with His Catholic Majesty.

The doubts of the statesmen of that day in regard to the legal authority for making this treaty are well known.[2] Mr. Jefferson, then President of the United States, frankly admitted that no authority for this treaty which he had caused to be made could be found in the constitution, and he drafted one or more constitutional amendments to cover the case. Mr. Madison and Mr. John Quincy Adams were of the same opinion. Attorney-General Lincoln thought that the difficulty could be met by so wording the treaty that the new territory should appear to be the extension of the territory of one or more of the states of the Union. Mr. Gallatin scouted this device, and asserted the doctrine that the power of annexation was inherent in the United States as a sovereign. Wilson Cary Nicholson found the warrant for the annexation of Louisiana in the treaty-making power. According to Mr. Henry Adams, the debates in the Senate and House decided only one point: "Every speaker, without distinction of party, agreed that the United States government had power to acquire new

[1] Poore, Charters and Constitutions, vol. ii, p. 1665.

[2] Henry Adams, History of the United States, vol. ii, chs. iv and v.

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territory, either by conquest or by treaty." [1] Thereafter no doubts seem to have disturbed the minds of American statesmen as to the power of annexation.

The Louisiana case was not, however, equally decisive of the question whether this power of annexation was to be exercised by the legislative branch of the government or by the treaty-making power. Louisiana was annexed by the treaty-making branch of the government. Mr. Benton, it is true, discussing the annexation of Texas, says:

> Acquisitions of territory had previously been made by legislation and by treaty, as in the case of Louisiana in 1803, and of Florida in 1819, but these treaties were founded upon legislative acts, — upon the consent of Congress previously obtained, and in which the treaty-making power was but the instrument of the legislative will.[2]

This statement seems to be entirely erroneous.

When the question as to the admission of Texas arose in March, 1845, a resolution was passed in the House of Representatives signifying the consent of Congress to the annexation of Texas as a state. When the resolution reached the Senate it was amended by adding an alternative provision, that if the President of the United States, in his judgment and discretion, should deem it most advisable, instead of proceeding to submit the foregoing resolution to the Republic of Texas as an overture on the part of the United States for its admission, he might negotiate with that Republic, *etc.*[3] Mr. Benton states that the resolution of the House could not have passed the Senate unless combined with the provision as to negotiation.[4] The annexation of Texas was, however, actually effected under the authority of Congress, without further negotiation.

Florida, California and Alaska were annexed through the treaty-making branch of the government. Furthermore, in the negotiation of the treaty for the annexation of the Hawaiian

[1] History of the United States, vol. ii, p. 113.
[2] Thirty Years in the United States Senate, vol. ii, p. 600.
[3] 5 Statutes at Large, 598.
[4] Thirty Years in the United States Senate, vol. ii, p. 635.

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Islands in 1893, the president assumed that the power of annexation was vested in the treaty-making power.

On the other hand, the method of annexation by legislative authority has been adopted in the case of the Guano Islands. It is provided by section 5570 of the Revised Statues:

> Whenever any citizen of the United States shall discover deposits of guano on any island, rock or quay not within the lawful jurisdiction of any other government, and not occupied by the citizens of any other government, and shall take peaceable possession thereof, and occupy the same, said island, rock or quay may, at the discretion of the President of the United States, be considered as appertaining to the United States.

Both of the above views as to the method of exercising the power of annexation have been approved by the Supreme Court of the United States. In the case of the American Insurance Company *vs.* Canter,[1] decided in 1828, that court, speaking through Chief Justice Marshall, said :

> The constitution confers absolutely on the government of the Union the power of making wars and of making treaties. Consequently, that government possesses the power of acquiring territory, either by conquest or treaty.

In the case of Fleming *vs.* Page,[2] the court, speaking through Chief Justice Taney, said :

> The United States, it is true, may extend its boundaries by conquest or treaty, and may demand the cession of territory as the condition of peace, in order to indemnify its citizens for the injuries they have suffered, or to reimburse the government for the expenses of the war. *But this can be done only by the treaty-making power, or the legislative authority*, and is not a part of the power conferred upon the President by the declaration of war.

In Dred Scott *vs.* Sanford, the opinion of the court seems to be that the power to acquire new territory is derived from the power to admit new states into the Union.[3] But in the later case of Mormon Church *vs.* United States,[4] the court said:

[1] 1 Peters, 542.
[2] 9 How. 614.
[3] 19 How. 446, 447.
[4] 136 U. S. 42.

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The power to acquire territory, other than territory northwest of the Ohio River (which belonged to the United States at the adoption of the constitution) is derived from the treaty-making power and the power to declare and carry on war. The incidents of these powers are those of national sovereignty, and belong to all independent governments. The power to make acquisitions of territory by conquest, by treaty and by cession is an incident of national sovereignty.

This latter opinion seems to hold that conquered land becomes territory of the United States in the legal sense by the mere fact of conquest. If this is the meaning, the opinion of the court cannot be reconciled with the opinion in Fleming *vs.* Page.

It will thus be seen that various opinions have been held upon the point under discussion:

First, it has been held that the Confederation had no power of annexing territory.

Second, there is high authority for the opinion that the present United States has no constitutional power to acquire territory.

Third, it has been said that the United States has that power as an inherent right of sovereignty.

Fourth, it has been said that the United States has that power as incident to the treaty-making power.

Fifth, it seems to have been held that the power of annexing territory is derived from the power of admitting new states into the Union.

Sixth, it has been held that the power of annexation should be exercised through the treaty-making power.

Seventh, it has been contended that territory can be annexed only by virtue of legislative authority.

Eighth, it has been decided that conquest does not operate annexation.

While the power of annexation has ripened by precedent into an unquestioned power, it may still be matter of debate whether such annexation must be authorized by legislation, or can be exercised by the treaty-making power without previous legislative authority.

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## II.

The question as to the rights of the inhabitants of annexed territory may be conveniently treated under four heads:

First. What law is in force in annexed territory antecedently to legislation by Congress?

Second. Do the laws of the United States operate *proprio vigore* in annexed territory?

Third. How far do treaty stipulations create rights in the inhabitants of annexed territory?

Fourth. In whom is the government of annexed territory vested?

(1) *What law is in force in annexed territory antecedently to legislation by Congress?* The law of the United States has adopted the principle which belongs both to the common law and to international law, that upon the acquisition of territory, either by conquest or treaty, the laws in force in the conquered territory regulating the civil rights of its inhabitants remain in force until changed by the conqueror, and vested rights of individuals in property are not affected by the change. In American Insurance Co. *vs.* Canter,[1] Chief Justice Marshall said:

> On such transfer of territory (by treaty) it has never been held that the relations of the inhabitants with each other undergo any change. Their relations with their former sovereign are dissolved, and new relations are created between them and the government which has acquired their territory. The same act which transfers their country transfers the allegiance of those who remain in it, and the law which may be denominated political is necessarily changed, although that which regulates the intercourse and general conduct of individuals remains in force until altered by the newly created power of the state.[2]

[1] 1 Peters, 542.

[2] *Cf.* also De Lassus *vs.* United States, 9 Pet. 117; Strother *vs.* Lucas, 12 Pet. 410; United States *vs.* Power, 11 How. 570; Cross *vs.* Harrison, 16 How. 193; Jones *vs.* Master, 20 How. 8; Chicago & Pacific Ry. Co. *vs.* McGlinn, 114 U. S. 546.

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An important limitation upon the above principle was announced in the case of United States *vs.* Repentigny,[1] where it was said:

On a conquest by one nation of another, and the subsequent surrender of the soil and change of sovereignty, those of the former inhabitants who do not remain and become citizens of the victorious sovereign, but, on the contrary, adhere to their old allegiance and continue in the service of the vanquished sovereign, deprive themselves of protection or security to their property except so far as it may be secured by treaty. . . .

Hence, where on such a conquest, the treaty provided that the former inhabitants who wished to adhere in allegiance to their vanquished sovereign might sell their property, provided they sold it to a certain class of persons and within a time named, the property, if not so sold, became abandoned to the conqueror.

(2) *Do the laws of the United States operate* proprio vigore *in annexed territory?* At common law the laws of England did not extend to territory acquired by conquest or treaty. The dominion over such territory and its citizens was vested exclusively in the crown until such time as Parliament legislated for it. It was usual in such cases to treat the original laws of the country as being in force, but they were in force, not *proprio vigore*, but by the assent of the crown.

Our colonies are either those where lands are claimed by right of occupancy only, by finding them desert and uncultivated and peopling them from the mother country; or where, when already cultivated, they have been either gained by conquest or ceded to us by treaties.

In each of these last-mentioned cases the king has either retained in his hands the right of legislating exclusively for the colony, or he has granted to it the privilege of a local legislature with the power of making laws for its internal government. In the case of an uninhabited country discovered and planted by English subjects, all the English laws then in being, which were the birthright of every subject, are immediately there in force.[2]

[1] 5 Wall. 211.

[2] Dwarris on Stats. 905. "The laws of a conquered colony continue in force until they are altered by the conqueror." — *Ibid.* 906. See also Calvin's Case, 7 Reports, 170.

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To the same effect is the opinion of Mr. Justice Blackstone:

> In acquired or ceded countries that have laws of their own, the King may indeed alter and change those laws; but till he does actually change them, the ancient laws of the country remain, unless such as are against the law of God, as in the case of an infidel country. Our American plantations are principally of this latter sort, for they were obtained in the last century, either by right of conquest and driving out the natives (with what natural justice I do not at present inquire) or by treaties. And therefore the common law of England as such has no allowance or authority over them, they being no part of the mother country, but distinct though dependent dominions. They are subject, however, to the control of Parliament, though like all others, not bound by any acts of Parliament unless particularly named.[1]

But this settled rule of the common law was foreign to the political ideas of this country, and as a natural result it has not only been supplanted by an entirely different rule, but its existence seems to have been ignored by the courts and the statesmen of the United States.

The first case in the Supreme Court of the United States in which the present point came under consideration was that of Loughborough *vs.* Blake, decided in 1820.[2] The question before the court in that case was whether Congress had the right to impose a direct tax on the District of Columbia. The court decided that it had, and referred the power to the eighth section of the first article of the constitution, which gives Congress the "power to collect taxes, duties, imposts and excises." It held also that this power was subject to the constitutional provision that "all duties, imposts and excises shall be uniform throughout the United States." The court was of the opinion that by virtue of these two clauses the power to tax could be exercised through-

[1] 1 Blackstone, 108. "The main question was, whether or not this statute did concern those islands, and *per curiam* it doth not; for all islands and other places *extra quatuor maria*, though they are part of the King's dominion, are not governed by the laws of England unless it were so appointed by act of Parliament." Dawes *vs.* Painter, Freeman, 175.

[2] 5 Wheaton, 317.

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out the United States, and that the name United States included the whole area, not only of the states, but of the territories, whether original territory or acquired territory. It said:

> Does this term [*i.e.*, United States] designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great republic which is composed of states and territories. The District of Columbia, or the *territory west of the Missouri*, is not less within the United States than Maryland or Pennsylvania.

The court also held that the twentieth section of the first article of the constitution, declaring that "representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers," and the fourth paragraph of the ninth section, stating that "no capitation or other direct tax shall be levied unless in proportion to the census or enumeration hereinbefore directed to be taken," were in force in the District of Columbia. On the principle declared by the court they apply also to annexed territory.

The next reference by the Supreme Court of the United States to the present question is in the opinion of Chief Justice Marshall, in the case of the American Insurance Co. *vs.* Canter, decided in 1828.[1] In this case, speaking of the treaty of February 22, 1819, between the United States and Spain, by which the latter ceded to the former the territory of Florida, Chief Justice Marshall said:

> This treaty is the law of the land and admits the inhabitants of Florida to the enjoyment of the privileges, rights and immunities of the citizens of the United States. *It is not necessary to inquire whether this is not their condition independently of stipulation.*

In Fleming *vs.* Page,[2] which was decided in 1849, Chief Justice Taney, in delivering the opinion of the court, touched upon this subject. This case decided only that territory in military

[1] 1 Peters, 542. [2] 9 How. 617.

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occupation was not territory of the United States within the meaning of the constitution and laws, and that the revenue laws did not extend to such territory. In the opinion of the court, however, Chief Justice Taney made the statement that after the annexation of Florida that territory continued to be treated by the government of the United States as foreign territory within the meaning of the revenue laws, and that duties were collected on goods shipped from Florida to the United States. "This construction of the revenue laws," said he, "has been uniformly given by the administrative department of the government in every case that has come before it." He also stated that the same rule was applied in the case of Louisiana.

> The Department [*i.e.*, the Treasury] in no instance that we are aware of since the establishment of the government has ever recognized a place in a newly acquired territory as a domestic port from which the coasting trade might be carried on, unless it had been previously made so by act of Congress.

This, of course, is an opinion to the effect that the revenue laws do not *proprio vigore* extend to annexed territory.

The first case in which there was an express adjudication upon this point was Cross *vs.* Harrison, decided in 1853.[1] The facts of the case were as follows: On February 3, 1848, California was in the military occupation of the United States. On that day a treaty of peace was made between the United States and Mexico, by which the latter ceded California to the former. Ratifications were exchanged on May 30, 1848, and notice of the treaty was received in California on August 7, 1848. On March 3, 1849, Congress passed an act extending the customs laws of the United States to California and making San Francisco a port of entry; and on November 13, 1849, a collector for the port was appointed. Cross, Hobson & Co. imported goods from foreign countries into California between February 3, 1848, the date of the treaty, and November 13, 1849, when the collector was

[1] 16 How. 181.

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appointed. Some of these goods were imported between the date of the treaty and May 30, 1848, the date of its ratification; some between the latter date and August 7, 1848, when notice of the treaty was received in California; some between the latter date and March 3, 1849, the date of the act of Congress; and others between the latter date and November 13, 1849. Duties were collected by the United States on all these goods. The duties collected between February 3, 1848, and August 7, 1848, were at the rates prescribed by the military authorities; those collected between August 7, 1848, and March 3, 1849, were at the rates prescribed by the revenue laws of the United States. All the duties were collected by the military authorities.

One of the questions presented to the court by this state of facts was, whether or not the duties collected between the date of the ratification and that of the act of Congress had been lawfully collected; and the court decided that they had been, on the ground that the revenue laws were in force in the territory immediately on its annexation. Against the government it was urged

that as Congress has the constitutional power to regulate commerce, and had not done so *specifically* in respect to tonnage and import duties in California, that none of the existing acts of Congress for such purposes could be applied there until Congress had passed an act giving to them operation, and had legislated California into a collection district, with denominated ports of entry.

To this argument the court answered:

By the ratifications of the treaty California became a part of the United States. And as there is nothing differently stipulated in the treaty with respect to commerce, *it became instantly bound and privileged by the laws which Congress had passed to raise a revenue from duties on imports and tonnage.* It was bound by the eighteenth section of the act of 2d March, 1799. . . .

The acts of the 20th July, 1790, and that of 2d March, 1799, were also of force in California without other special legislation declaring them to be so. . . .

The ratification of the treaty made California a part of the United States, and . . . as soon as it became so, the territory became sub-

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ject to the acts which were in force to regulate foreign commerce with the United States, after those had ceased which had been instituted for its regulation as a belligerent right.[1]

It is worthy of note that in the same case the court held that the collection of duties between the date of the ratification of the treaty and that of legislation by Congress was legal upon other grounds. In regard to the duties collected between the date of the ratification of the treaty and that of the notification of the treaty to the military authorities of California, the court was of opinion that they could not be recovered, because they had been paid voluntarily.[2] As regards the duties paid between the date of notice of the treaty to the military authorities of California and that of legislation by Congress, the court held that they were legally collected, because the military government then existing in California had lawful authority to collect them.[3] It would seem that the duties collected in the preceding period were legal on the same ground. It is therefore true that the opinion as to the operation of the laws of the United States in California previous to legislation was not necessary to the decision of the case.

As a result of the two cases last considered there has arisen a somewhat peculiar situation. Under the decision in Cross *vs.* Harrison, duties may be levied, under existing revenue laws, on goods coming from a foreign country into annexed territory; and, according to Fleming *vs.* Page, duties may be levied on goods passing from annexed territory into original territory of the United States.

In the celebrated Dred Scott Case,[4] decided in 1856, the court held that in territory annexed since the adoption of the federal constitution the provisions of that instrument became operative immediately upon annexation. The court said:

When the territory becomes a part of the United States the federal government enters into possession in the character impressed upon it by those who created it. It enters upon it with its powers over the citizen strictly defined and limited by the constitution, from

[1] 16 How., pp. 197, 198.
[2] *Ibid.*, p. 192.
[3] *Ibid.*, p. 195.
[4] Dred Scott *vs.* Sanford, 19 How. 449.

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which it derives its own existence, and by virtue of which alone it continues to exist and act as a government and sovereignty. It has no power of any kind beyond it; and it cannot, when it enters a territory of the United States, put off its character and assume discretionary or despotic powers which the constitution has denied it. It cannot create for itself a new character separated from the citizens of the United States and the duties it owes them under the provisions of the constitution. The territory being a part of the United States, the government and the citizen both enter into it under the authority of the constitution, with their respective rights defined and marked out, and the federal government can exercise no power over his person or property beyond what that instrument confers, nor lawfully deny any right which it has reserved.

The same doctrine was held in National Bank *vs.* County of Yankton.[1] In Chicago & Pacific Ry. Co. *vs.* McGlinn,[2] the opinion is still more far-reaching. It was held in that case not only that the powers of Congress were limited in annexed territory by the provisions of the constitution, but that the constitution operated to invalidate all laws of the annexed territory in conflict with its provisions, and that all of the laws of the annexed territory were superseded by the existing laws of the new government upon the same matters.

In the case of California *vs.* Pacific R.R. Co.,[3] decided in 1887, it was held that the eighth section of article I of the constitution, granting Congress power to regulate commerce with all foreign nations and among the several states, extended to commerce between the states and territories. This case has an important bearing upon a point connected with, but not discussed in, the opinion in Fleming *vs.* Page. If, as was stated there, the revenue laws of the United States authorize duties to be levied upon goods brought from annexed territory into original territory of the United States, the question arises whether the enactment of such laws is in the power of Congress —whether Congress *can* lay a tariff between original and annexed territory. This question is settled in the affirmative by the decision in California *vs.* Pacific R.R. Co.

[1] 101 U. S. 129. [2] 114 U. S. 542.
[3] 127 U. S. 1.

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The last case upon the subject is that of Mormon Church *vs.* United States,[1] decided in 1890. The court held that Congress had power to legislate for the territory, but that in doing so it was subject to the fundamental limitations of the constitution in favor of personal rights. This opinion coincides with that given in the case before cited. The chief interest of the Mormon Church case is in the reasoning upon which the above opinion is founded. The court said :

> These limitations [*i.e.*, constitutional limitations] upon the power of Congress would exist *rather by inference and the general spirit of the constitution*, from which Congress derives all its powers, than by any express application of its provisions.

It has been seen that in the case of Loughborough *vs.* Blake the court held that the constitution *ex vi termini* extended to the territories. In the Dred Scott case, however, in which it was also held that the constitutional provisions extended to annexed territory, the court did not rest its opinion upon this ground. Indeed, it admitted that there is no express regulation in the constitution defining the power which the general government may exercise over the person or property of a citizen in a territory, and declared that Congress must look to the *provisions and principles of the constitution and its distribution of powers* for a solution of that question. Finally, in Mormon Church *vs.* United States, the court rests its opinion upon *inference and the general spirit of the constitution.*

It has been the practice of Congress, upon the acquisition of territory, to extend the laws of the United States to such territory by express legislation. This was done in regard to Louisiana, Florida, California and New Mexico.[2] It may be mentioned incidentally that on the accession of North Carolina and Rhode Island to the Federal Union the revenue laws of the United States were by statute extended to those states.[3] On the annexation of Texas the laws of the United States were

[1] 136 U. S. 42.
[2] Statutes at Large, II, 285; III, 654; IX, 400, 452.
[3] 1 Statutes at Large, 99 and 126.

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reënacted as to that state.[1] The criminal laws of the United States were extended by statute to the Guano Islands.[2]

3. *How far do treaty stipulations create rights in the inhabitants of annexed territory?* By the third article of the treaty between France and the United States for the cession of Louisiana it was provided that

> the inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States, and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property and the religion which they profess.

In the case of New Orleans *vs.* Armas,[3] decided in 1835, Chief Justice Marshall held that until the admission of Louisiana the inhabitants were protected in the free enjoyment of their liberty, property and religion :

> Had any one of these rights been violated while this stipulation continued in force, the individual supposing himself to be injured might have his case brought into this court under the twenty-fifth section of the Judiciary Act.

A similar opinion was expressed by Chief Justice Marshall in the case of Delassus *vs.* United States.[4] The effect of these decisions seems to be that the clause as to the "rights, advantages and immunities of citizens of the United States" meant to secure such rights, advantages and immunities on the admission of the state into the Union.

The sixth article of the treaty with Spain for the cession of Florida, ratified February 22, 1821, contains these words :

> The inhabitants of the territories which His Catholic Majesty cedes to the United States by this treaty shall be incorporated in the Union of the United States as soon as may be consistent with the principles of the Federal constitution, and admitted to the enjoyment of all the privileges, rights and immunities of the citizens of the United States.

[1] 9 Statutes at Large, 1.
[2] 11 Statutes at Large, 119.
[3] 9 Peters, 235.
[4] *Ibid.*, 117.

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In the case of the American Insurance Co. *vs.* Canter,[1] decided in 1828, Chief Justice Marshall said: "This treaty is the law of the land and *admits* the inhabitants to the enjoyment of the privileges, rights and immunities of the citizens of the United States." The language of the French treaty was substantially the same as that of the Spanish; but it will be seen that while the former was construed as operating as a contract to give future rights, the same words in the latter were declared to create immediate rights. In the case of Foster *vs.* Neilson, decided in 1829,[2] the court, in passing upon the eighth article of the treaty of 1819 with Spain, in which the language is similar to that considered in the two cases just cited, held that a stipulation for legislation addressed itself to the political branch of the government. These cases left it doubtful whether a treaty which granted rights to the inhabitants of ceded territory by language *in presenti* could be enforced by the courts of the United States.

In the Head Money cases,[3] the supreme court gave an explicit opinion on this point. It held that, while a treaty is primarily a compact between independent nations, depending for its enforcement upon the action of the parties thereto, it may also contain provisions which confer certain rights upon the citizens or subjects of one of the nations residing in the territorial limits of the other—provisions which partake of the nature of municipal law, and which are capable of enforcement as between private parties in the courts of the country. Of this latter character are treaties which regulate the relations of citizens and subjects of the contracting nations in regard to rights of property by descent or inheritance, when the individuals concerned are aliens. And when such rights are of a nature to be enforced in a court of justice, that court resorts to the treaty as it would to a statute for a rule of decision for the case before it. This opinion was reasserted in United States *vs.* Rauscher.[4]

In the case of Chae Chan Ping *vs.* United States, the

[1] 1 Peters, 542.
[2] 2 Peters, 253.
[3] 112 U. S. 598.
[4] 119 U. S. 418.

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opinion was expressed that a treaty repealed an existing statute.[1] By the treaty of annexation concluded, on February 14, 1893, by President Harrison with the Hawaiian Islands, but withdrawn by President Cleveland, the treaty-making power of the United States assumed to stipulate for the repeal of certain existing laws of the United States. It was provided that the land laws of the United States should not apply to lands in the Hawaiian Islands. It was provided that the existing government and laws of the Hawaiian Islands should continue, no exception being made in regard to those of the Hawaiian laws which might be in conflict with the constitution and laws of the United States. It was further implied in the provisions of the treaty that the laws of the United States respecting imports, internal revenue, commerce and navigation were not to be considered as applicable to the Hawaiian Islands. It is obvious from the foregoing review that the question as to the validity of these stipulations would have been directly presented if the treaty had been ratified.

That rights created by a treaty are conditional and precarious is apparent from the fact that Congress may, by a statute enacted after the making of a treaty, repeal its provisions.[2] In the case of Bartram *vs.* Robertson,[3] the facts were these: On January 12, 1858, the United States agreed with Denmark to claim no duties upon goods imported from Denmark into the United States, higher than those imposed upon like articles imported from any other country. Under the act of July 14, 1870, duties were imposed by the United States upon certain goods. By the treaty of January 30, 1875 with the Hawaiian Islands, the same goods were admitted from the latter country at a lower rate than those prescribed by the act of July 14, 1870. It was held that under the treaty the Danish goods should be admitted at the rates prescribed for the Hawaiian Islands. The court said:

[1] 130 U. S. 600.

[2] The Cherokee Tobacco, 11 Wall. 616; United States *vs.* McBratney, 104 U. S. 621; Whitney *vs.* Robertson, 124 U. S. 190; Bottiler *vs.* Dominguez, 130 U. S. 238; Chae Chan Ping *vs.* United States, 130 U. S. 581.

[3] 122 U. S. 116.

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It did not lie with the officers of customs to refuse to follow its directions [those of the act of 1870] because of the stipulations of the treaty with Denmark. Those stipulations, even if conceded to be self-executing by the way of a proviso or exception to the general law imposing the duties, do not cover concessions like those made to the Hawaiian Islands for a valuable consideration.

In the case of Chae Chan Ping *vs.* United States, cited above, the supreme court held that the power of Congress to repeal the provisions of a previous treaty is a constitutional power, and not merely a *de facto* power. The court said that by the constitution laws and treaties are both the supreme law of the land, and no paramount authority is given to one over the other. In either case the last expression of the sovereign will must control.

That, as a matter of fact, Congress has not hesitated to exercise the power of defeating treaties is apparent from the legal history of territories annexed by the United States. In regard to one of these Mr. Henry Adams has said :

Louisiana received a government in which its people, who had been solemnly promised all the rights of American citizens, were set apart, not as citizens, but as subjects lower in the political scale than the meanest tribes of Indians, whose right to self-government was never questioned.[1]

4. *In whom is the power to govern annexed territory vested?* Congress has in fact exercised legislative power over all territory annexed by the United States. On the 31st of October, 1803, an act was passed directing that

all military, civil and judicial powers exercised by the officers of the existing government shall be vested in such person or persons, and shall be exercised in such manner, as the President of the United States shall direct, for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property and religion.[2]

On March 26, 1804, another act was passed, vesting all the executive powers in Louisiana in a governor, to be appointed by

[1] History of the United States, vol. ii, p. 125.
[2] 2 Statutes at Large, 245.

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and removable by the President of the United States ; and all legislative powers in the governor and a council of thirteen, to be appointed by the president.[1] The same provision was made for Florida by acts of March 3, 1819 and March 30, 1822.[2] On the cession of New Mexico by Texas, Congress vested the executive authority over that territory in a governor, and the legislative power in the governor and a legislative assembly, consisting of a council and house of representatives to be elected by the people. It also provided that the constitution and laws of the United States which were not local in their application should have the same force and effect in the territory of New Mexico as elsewhere within the United States.[3]

In the debate on the first bill providing a government for Louisiana, the constitutional power of Congress to govern annexed territory was denied; but the existence of that power has been repeatedly affirmed by the supreme court.[4] While, however, the decisions agree in asserting the power of Congress to govern annexed territory, the constitutional source of this power has never been authoritatively settled. In the case of Seré *vs.* Pitot,[5] decided in 1810, Chief Justice Marshall said :

> The power of governing and of legislating for a territory is the inevitable consequence of the right to acquire and to hold territory. Could this position be contested, the constitution of the United States declares that "Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

In American Insurance Co. *vs.* Canter, decided in 1828, the Chief Justice expressly adhered to this opinion, but seemed to incline more to the view that the power to govern territory was derived from the last cited clause of the constitution. In the Dred Scott case it was held that this clause applied only to the

[1] 2 Statutes at Large, 283.

[2] 3 Statutes at Large, 524, 565.

[3] 9 Statutes at Large, 446.

[4] American Ins. Co. *vs.* Canter, 1 Peters, 542 ; Cross *vs.* Harrison, 16 How. 164 ; National Bank *vs.* County of Yankton, 101 U. S. 129 ; Mormon Church *vs.* United States, 136 U. S. 42; Jones *vs.* United States, 137 U. S. 202.

[5] 6 Cranch, 336.

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territory which belonged to or was claimed by the United States when the constitution was adopted, but had no application to territory afterwards acquired. As to such latter territory the power of Congress to govern was, the court said, an incident of the power to acquire. In the case of National Bank *vs.* County of Yankton,[1] the court declared that the power of Congress over annexed territory had always been conceded, but expressed no opinion as to the source of such power; while in the latest case, that of Mormon Church *vs.* United States,[2] both the possible sources were recognized, and the power was said to be derived from the territorial clause in the constitution, and also to be incident to the right to acquire territory.

As to the scope of Congressional power over annexed territory, there is an irreconcilable difference between the views of the legislature and of the judiciary. From the cases cited it is clear that the supreme court has uniformly held that the power of Congress is subject to the limitations on its powers imposed by the constitution. But from the several territorial acts above cited it is equally clear that Congress has assumed to exercise unlimited power.

That the government of acquired territory between the date of the cession and that of legislation by Congress is vested in the president, is one of the points decided in the case of Cross *vs.* Harrison. In that case the court held that the military government of California had lawful authority to collect duties between the time at which it received notice of the treaty of annexation and the date of legislation by Congress. How chary the administration of that day was in exercising power is curiously shown by the following dispatch of Mr. Buchanan, Secretary of State under President Polk, dated October 7, 1848:

> In the meantime, the condition of the people of California is anomalous, and will require, on their part, the exercise of great prudence and discretion. By the conclusion of the treaty of peace, the military government which was established over them under the laws of war, as recognized by the practice of all civilized nations, has ceased to derive its authority from this source of power. But is there for

[1] 101 U. S. 129. [2] 136 U. S. 42.

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this reason no government in California? Are life, liberty and property under the protection of no existing authorities? This would be a singular phenomenon in the face of the world, and especially among American citizens, distinguished as they are above all other people for their law-abiding character. Fortunately they are not reduced to this sad condition. The termination of the war left an existing government, a government *de facto*, in full operation, and this will continue, *with the presumed consent of the people*, until Congress shall provide for them a territorial government. The great law of necessity justifies this conclusion. The consent of the people is irresistibly inferred from the fact that no civilized community could possibly desire to abrogate an existing government when the alternative presented would be to place themselves in a state of anarchy, beyond the protection of all laws, and reduce them to the unhappy necessity of submitting to the dominion of the strongest.

It will thus be seen that Mr. Jefferson doubted his power to annex territory, and Mr. Polk his power to govern it when annexed. In the affair of annexation they acted to this extent alike, that each did what he believed he had no right to do. They differed only in this, that the former assumed without hesitation a power which was doubtful, and the latter exercised hesitatingly a power which seems to be beyond question.

From the above review of the decisions of the supreme court it appears that the law applicable to annexed territory can scarcely be said to be settled in this country. The common-law rule seems to have been displaced without comment, and a new one adopted without discussion; but there is good ground for the contention that many of the opinions cited are rather dicta than decisions. It is possible that events will arise which will make the above change politically inconvenient, and render it desirable to treat the whole question as still open.

WASHINGTON, D.C. JAMES LOWNDES.

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# THE CORPORATION AS A FORM OF COLONIAL GOVERNMENT. III.

## III. *The Corporate Colony (continued).*

A CARDINAL fact in the early history of Anglo-American institutions is the assumption of power by the actual settlers in the colonies.[1] This is a phenomenon which to a marked degree distinguishes the colonies founded by the English from those of Dutch, French or Spanish origin. In the colonies of the last-named peoples no new political forms originated, and those which were established underwent little development. But among the English the capacity for political initiative was greater, while the control exercised by the home government was much less complete and repressive. Among the colonists of the better class, too, the spirit of enterprise and innovation was at least as strong as among the people of similar social position who remained at home. Hence, as soon as they were settled on the new continent, physical surroundings combined with national traditions and political theories to lure them into the paths of experiment and independent action. They at once began devising, both consciously and unconsciously, political systems adapted to their immediate and local needs. As a relatively high degree of social equality existed in the small communities which settled the colonies, there was in these systems a democratic element, which was much strengthened by the independent action made necessary by their remoteness from Europe. As will appear in the sequel, the tendency of the people to assume power was continuously operative in the American provinces, and its effect was gradually to democratize this form of colonial

[1] Robertson was to some extent aware of this fact. — History of America, edition of 1822, IV, 268, 279, 286. It is prominent in Chalmers's treatment of the subject. — Annals, pp. 87, 151, 153, 157, 161, *etc.* It underlies Story's account of the New England Colonies. — Commentaries, 4th ed., I, 30 *et seq.*

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government. The corporation, moreover, intimately connected as it was with the burgher class and the incipient democracy of the European cities, lent itself with peculiar ease to the development of this tendency. When skillfully manipulated by the leaders of the Massachusetts enterprise, the corporation became transformed, as we have seen, by easy and natural stages into a democratic commonwealth. A governmental form thus came into existence which was unlike any that existed in Europe or in the colonies of other nations. If we reflect upon this process, it appears to have been effected through a notable assumption of power. A use was made of the powers granted by the royal charter of 1629, of which neither precedent nor the language of the patent itself give any hint. As there were no provisions in the charter which prohibited the removal of the corporation into New England, so there were none which authorized it. That the result reached was as far as possible from anything intended by the grantor is proved not only by the whole career of Charles I, but also by his specific declaration in 1625 that he intended that his dominions, as well as the realm, should be organized upon the monarchical pattern.[1]

The course pursued by the Massachusetts patentees was, however, extra-legal rather than definitely illegal. It was made possible by the brief and indefinite terms in which the grant of powers was made, and by the omission from the patent of any express statement concerning the residence of the corporation. By the grant of governmental powers in that document, as in the other corporate charters, the grantees were authorized to prescribe forms and ceremonies of government for the plantation, to devise titles for all plantation officials, to set forth and limit the duties and powers of such officials and to prepare oaths to be administered to them, to order and regulate elections, to administer oaths, to impose such fines and penalties as did other corporations in England, and to do all things which were necessary for the peaceable and orderly government of the colony, provided that the ordinances for these purposes

[1] Rymer, Fœdera, XVIII, 72.

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should not be inconsistent with the laws of England. Further, the officials of the company, acting under its orders and instructions, were to have full authority "to correct, punishe, pardon, governe and rule" the subjects of the crown on their way to and from New England and during their residence there.

This, with the exception of the provision concerning defense, is all the charter contains on the subject of governmental powers, so far as they were necessarily to affect the colonists. It will thus be seen that it was left to the company to determine how and under what forms the colony should be governed. The only specific provisions in the charter concerning forms of government refer to the organization of the company itself. Political rights were in no sense guaranteed to the colonists. It was not necessary that an election should ever be held in the colony, or that an assembly should come into existence there. The officials of the colony might all have been elected in the court of the company in England; and that would probably have been the practice, at least for an indefinite period, had the company continued resident in England. There was a wealth of meaning in the words "correct, punishe, pardon, governe and rule," and it was left to the company to determine what that meaning should be. The company began by assuming power to choose a place of residence, and through that fact, rather than because of any guarantees contained in the charter itself, the settlers came into the possession of political rights.

This initial act was followed, as has been shown, by further assumptions of power, which became evident at every stage in the evolution of the general court, and in the development of the judicial, financial and ecclesiastical systems of Massachusetts. The ignoring of the crown in all public acts, the form of enactment "(namely, It is ordered by this Court and the authority thereof)," the form of the freeman's oath and of the resident's oath, the infliction of capital punishment, the denial of the right of appeal, the attempt to substitute the Mosaic code in part for the laws of England — all these and many more facts which might be cited indicate the truth of the

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statement here made. The result was a most rapid and notable development of political forms, and that in a century of American history which is especially rich in such products.

If Massachusetts with its royal charter was able to develop so independently and with such disregard of precedents, the same was certainly true — and to a much higher degree — of the colonies of southern New England. All of these came into existence without legal recognition. Three of them subsequently obtained this, but one passed the entire period of its separate history without a shadow of legal right. The peculiar character of these settlements is indicated by the complicated territorial relations which resulted from their establishment. New Plymouth was planted on territory which had just been granted to the New England Council. The settlements on Aquidneck were on land which had been granted by the New England Council to New Plymouth. The other settlements which afterwards combined to form the colony of Rhode Island and Providence Plantations were probably located on royal domain.[1] If the Warwick patent of 1631 be ignored as a grant of doubtful validity, the colony of New Haven, Saybrook, the river towns and the local settlements which later originated in the Pequot country were also founded on royal domain. Some of these settlements were made by exiles from Boston and its vicinity; others were planted by persons who, after living for a period in Massachusetts, peacefully withdrew beyond its borders. All were influenced by its example and were obliged to some extent to follow its leadership. With Massachusetts they form the group of Puritan colonies — a group, too, whose inhabitants were almost wholly of English extraction.

With the exception of New Plymouth, the southernmost among these colonies were established during a period of civil strife and revolution in England. Their founders were in sympathy with the more extreme ideas and policy of the revolu-

[1] The division of territory made by the members of the New England Council at the time of the surrender of its charter is here ignored, because there is no evidence that the proposed grants were perfected. — Proc. of American Antiquarian Society, April, 1867, pp. 129, 130; Baxter, Gorges, I, 171; Tuttle and Dean, Captain John Mason, pp. 355 *et seq.*

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tionists. In consequence of events in England the process of asserting imperial control, which had been begun, was suspended for more than twenty years. During that time the settlers were left free to follow the tendencies toward social equality, local and individual independence and isolation, which were inherent in their political views and in their environment. So far as was then possible, they were cut loose from Europe, with its monarchical and feudal institutions and its state churches. Assured of the approval and protection of the revolutionary government in England, they belonged then and thenceforward to the New World and to the distinctively modern era which was being ushered in by intellectual and religious revolt and by the discovery of new continents. The degree of their independence is evidenced by the fact that at the outset they were not even incorporated. As they had not the guarantees, so they had not the limitations of a royal charter. They were not even expressly bound to make laws consistent with those of England. Being small communities and thus situated, the political form which they naturally assumed was that of the democratic commonwealth; but with them it attained a more immediate and self-consistent development than was then possible in Massachusetts. Through the generosity of Charles II two of these groups of settlements were incorporated, and the institutions and territorial claims which they had developed through an assumption of power, received legal recognition. New Plymouth and New Haven were never incorporated, but the institutions which they developed during their independent existence were essentially the same as those of Connecticut and Rhode Island. It is clear that without an inquiry into the origin of all these plantations a discussion of the corporate colony would be incomplete. Limitations of space, however, render such an exhaustive treatment impossible in this place; while the purpose of the present series of articles will be attained by the consideration of New Plymouth as typical of the group to which it belongs.

Though among English colonists in America the Separatists of New Plymouth led the way in the appropriation of territory

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and the assumption of governmental powers, they did not long remain without a certain legal basis for their claims. After long negotiation they obtained from the London Company, before leaving Holland, a patent which was issued in the name of John Wincob as trustee.[1] They expressed their willingness to take not only the oath of allegiance, but also, if it were offered, that of supremacy.[2] This patent proved to be of no utility, because they were compelled to settle north of the jurisdiction of the London Company. The adventurers in England, however, with whom the colonists had entered into partnership for the establishment of the settlement and the conduct of its affairs for at least seven years, procured from the New England Council a deed of grant, dated June 1, 1621, and issued to John Peirce and his associates,[3] who were the adventurers and planters. This, Thomas Weston wrote, was better than their former charter, "and with less limitation."[4] However that may have been, it contained simply a grant of land, in amount proportional to the number of permanent settlers, with liberty to trade with the neighboring Indians, to hunt and fish in any places not inhabited by the English, and to import goods and products into England or elsewhere, subject to English duties. No attempt was made to bound the grant or to specify its location otherwise than by the statement that the land taken up should not lie within ten miles of any other English settlement, unless the two were on opposite sides of some large navigable river. Provision was made for the payment of a quit rent of two shillings per hundred acres to the Council. The patentees were temporarily granted the power to issue such ordinances as were necessary "for their better government," and to put them into execution through elected officers. They were also promised that, if after seven years the request was presented, the grantees should be incorporated with some fit name and receive additional powers of government; but how this could be legally effected without a royal

[1] Bradford, p. 41. [2] *Ibid.*, p. 34.
[3] *Ibid.*, pp. 107, 138; Massachusetts Historical Collections, II, 156 *et seq.*
[4] Young, Chronicles of New Plymouth, p. 114.

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charter does not appear.[1] As it was, the patentees were the tenants of the New England Council.

Before a year had passed Peirce obtained for himself in joint interest with his associates another patent; but on the same day, April 20, 1622, surrendered it and secured in its place a "deed pole," which was drawn on behalf of Peirce himself, his associates, heirs and assigns.[2] By this step, surreptitiously taken, Peirce apparently intended to transform his trusteeship into a proprietorship. As Bradford states, "he mente to keep it to him selfe and alow them what he pleased, to hold of him as tenants, and sue to his courts as chiefe Lord." "But ye Lord marvelously crost him," for in the ship *Paragon* he was twice wrecked, and his losses were so heavy that he had to assign to the adventurers the patent he last procured.[3] As assigns of Peirce the associates enjoyed till 1629 all the rights to which he had been entitled. In order to understand how and why the next step was taken, it will be necessary to explain the land system and the system of trade in New Plymouth.

In tracing the development of Massachusetts we saw that very early the company ceased directly to carry on trade or itself to cultivate or receive profit from the land of which it had become possessed. Trade passed immediately into private hands; and when the land was settled, or even as soon as occupants were ready for it, the colony passed it over to the towns to be held, managed or granted by them. In New Plymouth, however, the course was different. The motive which caused the Pilgrims to emigrate was the same as that which lay behind the Massachusetts enterprise: it was the desire for "liberty in Religion,"[4] a motive which, as things then were, was bound to draw political consequences in its train. But the essentially moral and political character of the founding of New Plymouth was at the outset obscured much more than was the case in the

[1] Kyd, Treatise on the Law of Corporations, I, 44 *et seq.*; Story, Commentaries on the Constitution, 4th ed., I, 31.

[2] Bradford, 138, 139 n.; Records of New England Council in Proceedings of American Antiquarian Society, April, 1867, pp. 91 *et seq.*

[3] Bradford, p. 139; Goodwin, Pilgrim Republic, p. 236.

[4] Bradford, pp. 24, 29 *et seq.*

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settlement of Massachusetts. This is explained by the fact that, in order to procure the means with which to establish the colony, the Pilgrims, who were pioneers and very poor, had to form a partnership with certain English adventurers, of whom Thomas Weston was at the outset the most prominent.[1] As the result of this agreement a communal system of fishing, trade and landholding was devised and maintained for seven years. Apparently the desire of the adventurers was to make the system as rigidly communistic as that which had just been brought to a termination at Jamestown. When viewed from the standpoint of defense, something can be said in favor of this policy; for it prevented the dispersion of the settlers. By means of it, however, the adventurers, whose motives were purely commercial, were able to exert a stronger influence over the enterprise than otherwise would have been possible.[2] They contributed a part of the resources which were necessary for the transportation of the first settlers. They continued to send over colonists and supplies and to find a market for the products which the planters sent to England on the returning vessels. They shared in the commercial risks, as well as in the profits, of the enterprise; and the former apparently much exceeded the latter. One of their number procured the patent

[1] Bradford, pp. 46–57. The language of the agreement, so far as it related to the point in question, was this: "The persons transported & ye adventurers shall continue their joynt stock & partnership togeather, ye space of 7. years (excepte some unexpected impedimente doe cause ye whole company to agree otherwise,) during which time, all profits & benefits that are got by trade, traffick, trucking, working, fishing, or any other means of any person or persons, remaine still in ye common stock untill ye division. That at their coming ther, they chose out such a number of fitt persons, as may furnish their ships and boats for fishing upon ye sea; imploying the rest in their severall faculties upon ye land; as building houses, tilling, and planting ye ground, & making shuch commodities as shall be most usefull for ye collonie. That at ye end of ye 7. years, ye capitall & profits, *viz.*, the houses, lands, goods and chatles, be equally devided betwixte ye adventurers, and planters; wch done, every man shall be free from other of them of any debt or detrimente concerning this adventure. . . . That all such persons as are of this collonie, are to have their meate, drink, apparell, and all provissions out of ye common stock & goods of ye said collonie." For reasons indicated in the text, these articles were not signed by the planters till the year after landing in America, but they were substantially in force from the outset.

[2] This side of the case will bear more prominent treatment than has usually been given it, for Bradford's account of these transactions is *ex parte*.

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of 1621. While this connection with the adventurers continued, the enterprise seemed, when viewed superficially, to be that of a land and trading company.

This connection, however, obscured its real nature. The motives of the planters and those of the adventurers were fundamentally unlike; and if the undertaking was to be carried out as originally conceived, those of the planters had to prevail. The control which the adventurers could exert over the development of this colony was by no means so strong as that which the London Company, with its officials, was able to exercise at Jamestown. From the outset the colonists at New Plymouth submitted with much less willingness to the communal system than apparently did those who settled Virginia. Before leaving Europe they insisted that they should have two days in each week for private employment, and that at the end of seven years the houses, gardens and home lots should remain as the property of their occupants.[1] When the settlement was made, it was agreed by the planters, independently of the adventurers, that every man with a family should build his own house, and that each single man should find a home in some family.[2] Thus separate homesteads were founded, while a common house was built for use as an arsenal and as a storehouse for provisions and other articles needed by the community. The dissatisfaction of the planters was, however, so great that the communal land system could with difficulty be maintained till the close of the period of seven years.

In 1623 the adventurers sent over the body of settlers who have already been referred to as the "perticulers."[3] Instructions were sent with them to the effect that they should be given separate allotments of land, but should remain under the government of the colony. Had they been allowed to take up land at a considerable distance from Plymouth, something like the Virginia plantation might have come into existence; but to avoid dispersion they were allotted habitations within the town. They

[1] Bradford, p. 47.
[2] Young, pp. 170, 173; Plymouth Colony Records, XII, 3.
[3] Bradford, pp. 143, 147.

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were excluded from trade, while, in consideration of their exemption from common labor, they were taxed for the support of the governor and other officials. They were also required to share in the common defense and in "such other imployments as tend to ye perpetuall good of ye colony." In the spring of 1623, however, before the "perticulers" arrived, a general desire for the abandonment of the system of common labor and for allotments of land was manifested by the settlers. After discussion the governor consented that for that year every one should plant corn for himself. The plan proved a success, and a system of barter was established. The next year an acre of land near the town was granted in perpetuity to each person.[1] Thus when the septennial period was little more than half over a serious inroad was made on the communal land system.

Moreover, as time passed, the relations between the planters and the adventurers became less satisfactory. Weston abandoned the partnership, and through his attempt to trade and to found an independent settlement in New England became a source of annoyance to the planters. The remaining adventurers did not agree among themselves.[2] Severe losses were suffered and debts incurred. The planters desired that the Leyden congregation should be brought over at the common expense, but the adventurers were opposed to doing this. From the commercial standpoint the enterprise was not a success; and the complaints of the adventurers naturally irritated the planters, who were stoutly contending against great difficulties. Many who were sent over as colonists were in character not acceptable to the planters, and it would have been strange had they been so. Recriminations early became mutual,[3] and so divergent were their respective interests and policies that events tended inevitably toward a dissolution of the partnership. By that means alone could the colony attain the freedom to pursue the natural course of its development.

The result was that negotiations for separation were begun; and early in 1627 Isaac Allerton, who had been appointed agent

[1] Bradford, p. 134, 167; Records, XII, 4.
[2] Bradford, pp. 158 *et seq.*
[3] *Ibid.*, pp. 109 *et seq.*

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by the planters, brought from England an offer of the adventurers to sell all their claims to the land and other property connected with the colony for £1800.[1] The offer was accepted by the planters, and eight of the chief among them bound themselves on behalf of the whole body to pay the debt. These eight were known as "the undertakers." The period during which the communal land system was to be maintained had expired; and since the settlers were so strongly opposed to it, it naturally disappeared after the partnership had been dissolved. As soon as it had been decided to accept the proposal of the adventurers, "ye company" was called together, and it was determined to receive among the active and responsible sharers in the enterprise all heads of families and all young men who werē "able to governe themselvs with meete discretion, and their affairs so as to be helpfull to yᵉ commone-welth."[2] Then it was resolved to divide the tillable land near the town among the heads of families and the able young men.[3] This was done by lot, the poorer land and the meadow remote from the town being left common. At the same time the common stock of domestic animals was divided. In 1633, owing to the increased demand for hay caused by the exportation of corn and cattle, the meadow was also divided.[4] Thus communal landholding as a system disappeared in the town and colony of Plymouth.

There was another side to the transaction of the spring of 1627. Not only was the offer of the adventurers accepted and the arable divided, but the eight colonists who had undertaken to pay the £1800 associated with themselves all the heads of families and single young men, just mentioned, in joint responsibility for the payment not only of the debt due the adventurers, but also of the other debts of the colony, then amounting to £600.[5] In order to procure the resources needed for this, it was resolved to carry on the trade of the colony for six years on a joint-stock basis, the colonists as a whole forming the company. Each single man was offered one share, and each

[1] Bradford, pp. 203, 210, 212, 214, 226, 373 n. [2] *Ibid.*, p. 214.
[3] *Ibid.*, p. 216; Records, XII, 13; Hazard, Historical Collections, I, 180, 181.
[4] Records, I, 14. [5] Bradford, pp. 215, 226.

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head of a family as many shares as there were persons in his family, with the possibility that some would ultimately be disposed of to meritorious servants. Those who took these shares were known later as the "purchasers or old comers."[1] With them were associated four of the old adventurers, who retained an interest in the trade of the colony. Isaac Allerton was employed as the agent of the "purchasers," at the head of whom, in the capacity both of managers and of responsible members of the company, stood the "undertakers." The last half of Bradford's *History* is filled with the details of the trading operations of the "undertakers," and of the independent course which was run by Allerton. It was by them that the patents for land on the Kennebec River were obtained, and two trading posts established, one at Fort Popham and the other on the site of the modern Augusta.[2] That enterprise occasioned the planting of the post on Penobscot Bay, and the independent undertaking of Allerton at Machias.[3] In 1633 the trading-post on the Connecticut was established. Of these posts the only one which continued long and was governed as a dependency of the colony was that on the Kennebec. Business relations between the "undertakers" and the four English partners continued till 1642,[4] when a final settlement was effected, though the last of the debts of the colony, arising from its trading operations, were not paid till four years later. Thus, for more than two decades trade had continued to be a prominent factor in the development of New Plymouth as a colony, and, with the communal land system, had caused a marked difference between its development and that of Massachusetts. Though founded ten years earlier than its more vigorous neighbor, New Plymouth did not assume its final and natural form as a political organism, free from the communal arrangements attending its origin, till some years later than Massachusetts.[5]

[1] Bradford, p. 372 n.; I, Massachusetts Historical Collections, III, 60.

[2] Williamson, History of Maine, I, 237, 252; Goodwin, Pilgrim Republic, p. 322.

[3] Bradford, pp. 255 *et seq.*; Goodwin, pp. 333 *et seq.*

[4] Bradford, pp. 379, 400 *et seq.*; Goodwin, p. 411.

[5] It is believed that the account here given of the origin and nature of the communal system in New Plymouth is in harmony with the teachings of the original

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Turning now to the purely political development of New Plymouth, it is important to notice that it was directly through the agency of the "undertakers" that the third or Bradford patent was obtained for the colony. In 1628 Allerton, their agent, began negotiating for it. On his return to England early in the following year, he carried with him instructions to continue his efforts.[1] With the New England Council he apparently had no difficulty. Then he turned to the king and tried to procure his confirmation of the grant and an incorporation. The king was favorable, and so was the lord keeper; but when an attempt was made to induce the lord treasurer to consent to a temporary exemption of the colonists from duties on imports into England and on exports therefrom, he refused to do so unless the provision were approved by the Privy Council. Money was somewhat freely expended, but after some delays Allerton was forced to return to New Plymouth,

authorities, and that it affords a sufficient explanation of that phenomenon. The system was imposed upon the colonists by the terms of the partnership which they were compelled to form with the adventurers in order to procure the means with which to establish the colony. As Chalmers pointed out (Annals, p. 89), its origin was similar to that of the communal system which existed for more than a decade at Jamestown. Both were artificial creations, devised as the best means of preventing the dispersion of the settlers, facilitating the defense of the settlements, and enabling the adventurers to keep control of their trade and industry. Of any other origin or object the original authorities give no hint. Concerning the alleged survival of the communal institutions of the primitive Germans, now widely accepted as an explanation of the origin of the New England town, the New Plymouth authorities at least are silent. Moreover, as will be shown before the close of this article, the colony of New Plymouth became, within a decade after its settlement, a political community of the modern type. In no sense was its organization, or that of its towns, ever based on kinship, although kinship as a basis of organization and communal landholding in its primitive form go together. How then, it may well be asked, could there be on a new continent, in a proper sense of the term, a survival of the one without the other? To the minds of Bradford and his associates the ideas of both primitive kinship and primitive landholding were utterly foreign. Any one who doubts this has but to read pages 135 and 136 of Bradford's History. No stronger indictment of the communal system could well have been penned, and it is clear that it expresses the views of the settlers. Therefore it may well be questioned whether, with the exception of certain antiquated social customs, the communism even of the New England towns may not be satisfactorily accounted for by events which had their origin in New England itself.

[1] Bradford, pp. 244, 250; Bradford's Letter Book, I, Massachusetts Historical Collections, III, 70.

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leaving the petition in the hands of a solicitor.[1] The result was that the patent was never confirmed by the king; and hence New Plymouth never attained even such a legally assured position as that would have given.

Under the patent of 1629 William Bradford stood to the colonists in a relation similar to that held by John Peirce under the deed of grant of 1621. In both cases the immediate grantee was trustee for the colonists.[2] The grant of 1629 was made to William Bradford, his heirs, associates and assigns, and Bradford states that he held "as in trust." By this patent the colony received definite bounds, and permission was given it to assume a name. A quit rent was no longer demanded, but the payment of the usual nominal rent both to the king and the Council was mentioned. The rights of trade and of government which appear in the earlier grant were repeated, the latter in somewhat expanded form, and the assurance was added that all the powers which it was possible for the Council to bestow should be enjoyed in full measure.

Up to this point we have been following the history of New Plymouth so far as it was or could have been influenced by its connection with England. We have seen the origin and nature of its patents, and the method by which the communal system of property and trade was imposed upon it. The patents were, however, little more than grants of soil and rights of trade, and no attempt was made by the New England Council to exert control over the grantees. They went their own way, hindered only by the complaints of the adventurers, till they separated from all except four of them, and at the same time threw off the communal land system. From this review the practical independence of the colony has appeared with sufficient clearness; but the fact may be emphasized if we consider the internal political development of the community. Here the starting-point was the famous compact signed in the cabin of the *Mayflower* while she was riding in Provincetown harbor.[3]

[1] Bradford says (p. 252) that the clause concerning the customs was the device of Allerton, and of Sherley, one of the English partners, and was not specially desired by the colonists. [2] Bradford, p. 372 and n.; Brigham, Laws, p. 21.

[3] Brigham, Laws, p. 19.

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This was the earliest of plantation covenants, and is memorable solely for that reason. It was in substance reproduced on many later occasions and in other places — by the river towns of Connecticut,[1] at New Haven,[2] by the settlers at Dover and Exeter[3] on the Piscataqua, at Providence, Portsmouth and Newport[4] among the Narragansett settlements, and even at Rehoboth, a later town of Plymouth colony.[5] A tacit assumption of authority equivalent to what these covenants implied had to be made in all colonies where the exercise of the higher powers of government was attempted without a direct grant from the king. Finding themselves forced to settle outside the jurisdiction of the company from which they had received a patent, and threatened with revolt, the Pilgrims, while acknowledging the authority of the king, solemnly agreed to assume such power as was necessary for the framing of just and convenient ordinances, and the creating and filling of offices; and to such ordinances and officials they promised obedience. So far as the act itself was concerned it might create a town or a colony. In this case it created both, and the two did not become differentiated till more than a decade later. Viewing the act from the standpoint of the colony, the meeting in the cabin of the *Mayflower* was in germ a general court, and the signers of the compact were the earliest active citizens or freemen of New Plymouth. They were not made such by admission into any corporation, but without legal authority they assumed the position and later the name, and from that assumption proceeded to exercise political power in the colony. Through their earlier negotiations these settlers must have become somewhat familiar with the organization of the London Company and its colonies, and from these it may be surmised that the title and office of governor were borrowed. The next office to be created was that of captain,[6] and this

[1] Connecticut Colonial Records, I, 20.

[2] New Haven Colonial Records, I, 13, 17.

[3] New Hampshire Provincial Papers, I, 125, 132; Jenness, Documents Relating to New Hampshire, p. 36.

[4] Rhode Island Records, I, 14, 52, 87.

[5] The History of Rehoboth, by Leonard Bliss, Jr., Boston, 1836, p. 28.

[6] Young, p. 180.

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office, like all others in this little commonwealth, was elective, and that for an annual term. On the death of Carver, the first governor, and the election of Bradford as his successor in April, 1621, one assistant was chosen to aid him in the government.[1] Thenceforward elections were held annually. In 1624 the number of assistants was increased to five,[2] — later to seven, — and at the meetings of the board the governor was given simply a double vote. From that time his position, both in the board of assistants and in the general court, was the same as that of the governor in Massachusetts. As in Massachusetts, so within the colony of New Plymouth, the general court was the actual source of political power, and the highest attainable degree of equality existed.[3]

In the early history of this settlement, as of some of the other colonies, public and private functions were indistinguishably mingled. Thus there was necessarily a return to primitive conditions, and this need was made more apparent by the communal system which existed. The governor and his assistant not only repressed disorder in the settlement, and led in negotiations with the Indians and in the organization of defense, but they managed the common work, tended the sick, fished, saw that the magazine was kept supplied, and acted as advisers and guides in all affairs. The governor was also an elder in the church. Many decisions concerning public business must have been reached through informal consultations between the officials and the other influential settlers. When matters of special importance were to be decided, the whole company, consisting of the *de facto* freemen, was called together. It was by a vote of this body that the place for settlement was chosen,[4] and probably also the method of laying out the town. The ordinances which were first adopted by this assembly were on the subject of defense.[5] Not until the close of 1623 do we find a record of the passage by the court of any order concerning judicial administration[6]; but then trial by jury was introduced.

[1] Bradford, pp. 101, 110.

[2] *Ibid.*, p. 156.

[3] For the later law of the general court, which brings out its position very clearly, see Brigham, p. 256.

[4] Young, pp. 167, 170, 173.

[5] *Ibid.*, pp. 180, 189.

[6] Brigham, Laws, p. 28.

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When, earlier in that year, "the perticulers" arrived, "ye Govr, in ye name and with ye consente of ye company" received them,[1] and the conditions on which they were allowed to settle were "agreed on betweene ye colony and them." Later, when those settlers began to arouse strife, the governor consulted "with ye ablest of ye generall body."[2] When, through the efforts of Oldham, one of their number, aided by Lyford the minister, a dangerous opposition movement had been started, "ye Govr called a courte and summoned the whole company to appeare"; and the quaint record of its proceedings which resulted in the discomfiture of the Lyford-Oldham faction has been preserved.[3] When in 1627 "ye Govr & counsell with other of their chiefe freinds" had upon mature consideration resolved that a division of the lands of the settlement was necessary, "they caled ye company togeather, and conferred with them," with the result that a conclusion was reached which "gave all good contente."[4]

It was in the name of William Bradford, the governor of this democratic commonwealth, one of its founders and second to none among the leaders of the enterprise, that the patent of 1629 was granted. Associated with him in procuring the patent were Standish, Winslow and the other prominent settlers. The powers of the grant, such as they were, therefore had to be exercised exclusively in the colony and by the settlers themselves. Before the patent was issued the political form which the colony was to assume had been determined, and the Council made no effort through the grant to change it in any respect. Though legally New Plymouth had to be regarded as a fief lying within the domain of the New England Council, and after 1635 within the king's domain, it wholly lacked the feudal form of organization. Therefore, while Bradford continued to hold the patent as trustee, the colony followed the natural course of its development undisturbed. From and after 1632 the *Records* show that sessions of the council or court of assistants and of the general court were regularly

[1] Bradford, p. 147.
[2] *Ibid.*, p. 157.
[3] *Ibid.*, pp. 175 *et seq.*
[4] *Ibid.*, pp. 214, 215; Brigham, Laws, p. 29.

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held. The full power to legislate, to levy taxes, to organize a military force, to administer justice, and to inflict capital punishment[1] was assumed and exercised. Freemen were admitted by the general court; and in 1636 a freeman's oath was enacted which, save in its recognition of the sovereignty of England, was similar in purport to that of Massachusetts. As arable land near Plymouth became insufficient longer to satisfy the demand, removals began. Land here and there on the common domain was taken up, though for reasons already stated dispersion began relatively much later than in Massachusetts. These settlements, at first called plantations, wards or sides, gradually developed into towns, in spite of the opposition of Plymouth and of the leaders who resided there. In January, 1634, the first constable was chosen in the general court for the settlement which later became known as Duxbury. A year later the evidence shows that there was such an officer at Scituate.[2] Annually thereafter constables for these settlements were elected or sworn in the general court.[3] In 1638 a constable appeared for Sandwich,[4] where a settlement had been made the previous year. In 1639 one appeared for Yarmouth, and in 1640 constables were "nominated" for Taunton and Barnstable.[5] In 1637, after it had been found impossible to locate a meeting-house which would be convenient for both its inhabitants and those of Plymouth, Duxbury was made a town, though its bounds were left to be fixed by the next court. Even earlier, in 1636, Scituate was called a town, and it was allowed to grant land and to make such orders as were found necessary "provided they have, in case of justice, recourse unto Plymouth as before."[6] In 1638 it was enacted that all towns, allowed or to be allowed within the colony, should have the liberty to meet together and to issue such orders as were necessary for the herding of cattle and the doing of other needful things, provided they did not infringe any public acts.[7] They were then given the right to punish petty offenses, and the next year

[1] Bradford, p. 276.
[2] Records, I, 21, 32.
[3] *Ibid.*, pp. 36, 48, 80, *etc.*
[4] *Ibid.*, pp. 57, 80.
[5] *Ibid.*, p. 116, 141.
[6] *Ibid.*, pp. 41, 62.
[7] Brigham, Laws, p. 64.

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were empowered to levy local rates. It was also enacted that the governor and assistants should, under the authority of the general court, appoint and set forth the bounds of townships, as they had formerly done.[1] Hence, as elsewhere in New England, and as was the case in the creation of the colony itself, the two things legally essential to the founding of a town were the grant of land and the grant of rights of local government, including the establishment of local officers. But that in New Plymouth the control of the colony over the towns was more strict than elsewhere is indicated by the fact that their choice of selectmen, constables and surveyors of the highways was subject to the approval of the general court of election. This may perhaps have been due to the early opposition to the development of towns.[2]

In consequence of the multiplication of towns, Plymouth the town became differentiated from Plymouth the colony and appeared as a distinct unit for purposes of local government. It was a slow process, the stages of which it is not easy to trace. Sometime between November, 1636, and the close of March, 1637, a separate record book for the town was opened;[3] but the entries were made by the clerk or secretary of the colony till 1685. Then, for the first time, a town clerk was chosen. In January, 1633, a constable had been chosen.[4] The earliest record of a town-meeting is dated the last day of March, 1637.[5] At a meeting held in July of the following year bounds for the town were provisionally agreed upon, but they were not fixed by the general court till 1640.[6] In February, 1650, the town chose selectmen and bestowed the usual powers upon them, though not till twelve years later did the general court empower the towns to elect such officers and itself define their authority. While by these steps its organization was being perfected, the leading inhabitants of Plymouth, among whom were some of the most prominent magistrates of the colony, viewed with jealousy the dispersion of the colonists and the

[1] Brigham Laws, p. 68.
[2] Records, IV, 122, *etc.*; Brigham, p. 257.
[3] Records of Town of Plymouth, I, Introduction.
[4] Colonial Records, I, 21.
[5] Town Records, I, 3.
[6] Colonial Records, I, 164.

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founding of new towns. The traditions of the first decade were strong at the place of original settlement, and by the dispersion that town was losing prestige. To save this as far as possible, it was therefore enacted in 1633 "that the chiefe government be tyed to the towne of Plymouth, and that the Governor for the time being be tyed there to keep his residence and dwelling; and there also to hold such Courts as concerne the whole."[1] It was perhaps due to this jealousy and to the early system of compact settlement that through oaths an attempt was made to exercise an unusually strict control over the towns.

A necessary effect of the dispersion of inhabitants and the formation of towns was the development of the representative system. In 1636 and 1637 committees from the outlying settlements had been appointed to join with the governor and assistants in preparing a revision of the laws, in dividing lands and in assessing a tax.[2] In June, 1639, "committees" or deputies from the towns — five members from Plymouth and two from each of the others — were added to the governor and assistants to form the general court.[3] After this the freemen as such continued to attend only the annual court of election, though to this, as in Massachusetts, they might send proxies. The general court of New Plymouth was never divided into two houses, though apparently in 1649 such a proposition was made but defeated. A committee then reported, "yt for the future, as formerly . . . , the Magestraits and Comitties or Deputies bee Concidered together as one body."[4] In New Plymouth the religious test was never definitely established; but after towns had come into existence the law was that candidates should be approved by the freemen of the towns where they lived and proposed to the general court by the deputies of those towns.[5] Gradually the requirements concerning admission were made more strict, till in 1671 a property qualification was required, and also testimony from the

[1] Colonial Records, I, 16.
[2] Records, I, 43, 61, 67.
[3] *Ibid.*, p. 126; Brigham, Laws, pp. 63, 108.
[4] Plymouth Records, Book of Laws, pp. 55, 57.
[5] Act of 1656, Brigham, pp. 100, 108.

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neighbors of the applicant that he was sober and peaceable in conversation and "orthodox in the fundamentals of religion." [1]

The territory of New Plymouth being small and relatively compact, the organization of counties did not become necessary till almost the close of her separate existence. In 1685 the colony was divided by its general court into three counties, their boundaries being fixed and county courts established. Thus the judicial system of the colony was completed. It included selectmen's courts in the towns, with jurisdiction over cases of debt, trespass or damage not exceeding forty shillings; and county courts, held in each case by at least three magistrates and associates, the latter being annually chosen by the general court as special county magistrates to coöperate with the resident assistants in transacting county business. The latter, besides being the administrative body of the county, probated wills and had jurisdiction over civil and criminal cases, provided the penalties did not involve life, limb or banishment. At the head of the judicial system was the court of magistrates or assistants, sitting in the later years of the colony three times a year at Plymouth, which heard appeals and could "call all the Inhabitants, Freemen, Planters, or others to accompt for the breach of any Laws or Orders established or for other misdemeanours. . . ." It also exercised an equitable jurisdiction. In 1684 an admiralty court was established, consisting of not more than four of the assistants and such "substantiall persons" as the governor should commission under the seal of the colony.

The military and fiscal systems of the towns and of the colony were similar in all important respects to those of Massachusetts, and require no extended description here. The county, while it had its treasurer, who received money from the constables or town councils, had not been incorporated into the military system when the independent existence of the colony ceased. There seem to have been no county regiments. Their organization came after New Plymouth was absorbed by Massachusetts.

[1] Brigham, pp. 170, 258.

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Such in outline was the commonwealth which evolved from the compact signed in the *Mayflower*. It was consistently democratic, and possessed all the organs necessary for an independent existence. Though the king was recognized in its public acts and documents, so far as its political life was concerned it enjoyed an independence greater even than that of Massachusetts. Owing to its more moderate policy it did not provoke internal dissensions or multiply enemies in England. Therefore the quiet course of its existence was never seriously disturbed by foes from within or without.

The last step in the history of this commonwealth, so far as we need to follow it, was taken in 1640.[1] Then, with the approval of all parties concerned, William Bradford laid down his trusteeship and resigned the patent into the possession of the freemen of the colony assembled in general court. The surrender was accepted by the court; and thenceforward the freemen, as the assigns of Bradford, were in name, as well as in fact, the grantees of such rights as were transferred by the patent.

And ye said William Bradford doth, by ye free & full consente, approbation, and agreemente of ye said old-planters, or purchasers, together with ye liking, approbation, and acceptation of ye other parte of ye said corporation, surrender into ye hands of ye whole courte, consisting of ye free-men of this corporation of New-Plimoth, all ye other right & title, power, authority, priviledges, immunities, & freedomes granted in ye said letters patents by ye said Honorable Counsell of New-England; reserveing his & their personall right of freemen, together with the said old planters afforesaid, excepte ye said lands before excepted, declaring the freemen of this corporation, togeather with all such as shal be legally admitted into ye same, his associats.

When this transaction was completed, the freemen, like those in Massachusetts, were in every sense the actual possessors of political power.

HERBERT L. OSGOOD.

[1] Records, II, 10; Bradford, p. 372.

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# THE DESTINIES OF DEMOCRACY.[1]

WHETHER it is more presumptuous for the philosopher to write history or for the historian to write philosophy, is a question that "searcheth the reins" of the scholar. The philosophy that is not verified and made real by an incorporation of historical materials has not even an intellectual value. It is but an esoteric sort of reverie, in space of only one or of more than three dimensions, as you please. History that is not organized and interpreted by philosophy is only a dignified form of the tale that is told by an idiot; it signifies nothing. And yet, to combine history and philosophy, and to write, for example, philosophical history, is perhaps the supreme achievement of the human mind. The analytical and speculative intellect is seldom keenly alive to the interest, the freshness, and above all, the exact values, of concrete facts. The inquisitive mind of either the journalistic or the antiquarian type may be narrowly analytical or loosely synthetical, but it rarely has that true constructive power in which analytic and synthetic genius are combined.

No less degree of genius than that which blends the historical with the philosophical intellect, and is able to apply the highest constructive power to the tremendous task of explaining political progress, will ever give us a true account of the involved relations of liberty and democracy — the most complex, the most momentous, the most fascinating and the most baffling products of social evolution. Men of unquestioned genius have essayed this achievement and have failed. Neither de Tocqueville nor Bryce, neither Mill nor Sumner Maine, has satisfactorily described either liberty or democracy. True conceptions of liberty are to be found only in writings on constitutional law; and even in these writings, which the general reader usually passes

[1] Democracy and Liberty. By W. E. H. Lecky. London and New York, Longmans, Green & Co., 1896. 2 vols., xxi, 568 pp.; xix, 601 pp.

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over as too technical for his needs, liberty is accurately conceived only if the authors in some degree unite the philosophic with the historical temperament. Democracy is nowhere truthfully portrayed, because no writer ever views it comprehensively. Democracy is more than a form of government; it is more than universal suffrage; it is more, even, than popular power.

That Mr. William Edward Hartpole Lecky should write two compact volumes on the development of democracy and the struggle of liberty for existence in the nineteenth century, was as inevitable as that Edmund Burke should have opinions on the French Revolution. Mr. Lecky has throughout his life been deeply interested in the philosophical aspects of social progress. He has studied deeply those developments of rationalism and of morals in which are disclosed the psychological causes of political changes and of institutional forms. He has depicted with admiring appreciation that type of civil liberty, and of Parliamentary government by a property-owning, leisured class, which was the chief contribution that the eighteenth century made to civilization. At the end of these employments he has in recent years, before and since his election to the House of Commons, been deeply interested in *fin de siècle* democratic politics, and has been impelled to formulate his opinions upon every burning modern question, from land nationalization and municipal tramways to woman suffrage and vivisection. How could he do less, then, than clothe his judgments in the brilliant, the often fascinating language that has made his writings no less literature than history, and, rounding and combining them into an ample whole, make them into a book!

Not less inevitable was it, however, that Mr. Lecky's treatise on these momentous themes should in value fall below, rather than rise above, the great works of de Tocqueville, Maine and Bryce. Mr. Lecky is philosophical, but he is not a philosopher. He is an historian, but he does not grasp history. In the minute analysis of a special topic his acuteness is often admirable, but he never partitions his whole subject into its logical, or even into its descriptive or its chronological divisions. He can put together with fine literary art the descriptive or the

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narrative elements of a single chapter, but in higher constructive power he is astonishingly deficient. He cannot put together the chapters of a book. There is absolutely no reason why any one of the chapters of *Democracy and Liberty* should stand where it does rather than somewhere else. The work is therefore an admirable, a brilliant achievement in high-class journalism; it is nothing more. Nevertheless, it may easily prove to be more useful for popular instruction than any preceding account of modern political tendencies. Let us, then, try to see exactly what Mr. Lecky attempts to show, and to estimate his success within the limits which he has imposed upon himself, and those which his literary habits and the characteristics of his mind have imposed upon him.

In *Democracy and Liberty* Mr. Lecky distinctly states a definite thesis, and his account of the political and social changes that have been taking place in Europe and the United States during the present century is evidently regarded by him as a demonstration of his proposition. With his flagrant disregard of logical order, however, the statement of his thesis is so placed that only the attentive, line-by-line reader will discover it. Half of his reviewers have missed it, and have in consequence praised or blamed him for arguments that he has not so much as attempted to make. The words that should have been put at the beginning of his first chapter are thrown in almost parenthetically at the end of the twenty-fifth page, as follows:

> One of the great divisions of politics in our day is coming to be whether, at the last resort, the world should be governed by its ignorance or by its intelligence. According to the one party, the preponderating power should be with education and property; according to the other, the ultimate source of power, the supreme right of appeal and of control, belongs legitimately to the majority of the nation told by the head, — or, in other words, to the poorest, the most ignorant, the most incapable, who are necessarily the most numerous.
>
> It is a theory which assuredly reverses all the past experiences of mankind. In every field of human enterprise, in all the competitions of life, by the inexorable law of nature, superiority lies with the few and not with the many, and success can only be attained by placing the guiding and controlling power mainly in their hands.

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Here we have Mr. Lecky's conception of democracy. It is the political power of the ignorant many, exercised through a formal method of procedure which essentially consists in a count by the head, irrespective of personal qualifications. It is the realization of the theoretical politics of Rousseau. Very evidently we have here, also, Mr. Lecky's profound conviction that ultimate political decision by the ignorant many is equivalent to the rule of ignorance, and is therefore predestined by the laws of nature and the experience of mankind to disastrous failure. His review of the recent politics and legislation of western Europe and the United States is accordingly made in the belief that they disclose the unmistakable beginnings of the decay of civilization. Incidentally he attempts, also, to establish the secondary proposition that England is probably to suffer more severely than any other nation from the rule of ignorance and the decline of liberty. The enlightenment, the nobility, the sane administration of affairs, which have made her the leader in human progress, are to disappear under the reign of universal vulgarity, narrow-mindedness and all-conquering folly.

A merely formal criticism of such a work would inquire whether this conception of democracy is scientific, of undoubted philosophical lineage, or only a base-born notion that has been picked up among the people, clothed in literary purple and fine linen, and passed off in intellectual society as of the legitimate aristocracy of ideas. It would next inquire whether ultimate political decision by the relatively ignorant many is necessarily the same thing as the rule of ignorance, and therefore foreordained to failure.

Under criticism of this kind Mr. Lecky's thesis would suffer severely. His conception of democracy is a bastard idea, half philosophical and half commonplace. Scientifically, democracy must be defined either as a form of government, or as a form of the state, or as a form of society, or as a combination of the three. As a form of government, democracy consists in the actual administration of political affairs through universal suffrage. Democracy as a form of government cannot coexist with representative institutions; it admits executive and judicial offices

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only of the most restricted ministerial type; it demands the decision of every question of legal and executive detail, no less than of every fundamental principle of right and of policy, by a direct popular vote. There is no such thing as a democratic government on a large scale. Democracy as a form of the state is popular sovereignty — that is, a popular distribution of formal political power. It signifies the right of the masses of the people to participate in the creation of the government or machinery of administration. It may act through representative institutions, as well as directly. These distinctions, which in their essential features were made by Aristotle, have in recent years become familiar. Democracy as a form of society is not so often or quite so easily discriminated. It is a democratic organization and control of the non-political forms of association. It is also something besides. In a perfectly democratic society the masses would possess that indefinite, unformed, but actual political power which lies back of the formal power that registers its decisions through the act of voting. In the poorer ranks of the population there would be a volume of feeling, opinion and will, that might at any moment assume a political form, either legal or revolutionary. In Professor Burgess's nomenclature, democracy as a form of society is popular sovereignty behind the constitution, as distinguished from popular sovereignty in the constitution. In the language of Professor Dicey it is popular political sovereignty as distinguished from popular legal sovereignty.

It is easy to see that Mr. Lecky's conception of democracy is not to be identified too exactly with any one of these scientific notions, although in a general way it corresponds to the second. The real subject of his investigation is democracy as a form of the state. It is the formal sovereignty of the people, expressing ultimate decisions through universal suffrage.

The error in this conception is of that interesting kind which practical men and historians habitually attribute to theorists, but which, in fact, is always committed by the practical men and the historians themselves, and never by the theorists. It consists in accepting an abstract formula, without limitations or

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reservations, as a sufficient account of a concrete phenomenon. The political theorist knows that his three conceptions of democracy limit one another, and that, corresponding to the theoretical limitations, there are in reality numberless limitations of phenomenon by phenomenon. He knows that democracy as a form of the state always tends to run into democracy as a form of government, but never makes great progress in that direction; and the reason for this curious limitation he finds in the infinitely complex relations that enter into the constitution of democracy as a form of society. In short, he realizes that every one of the three modes of democracy is conditioned by the other two. Mr. Lecky, recognizing only one mode, depicts that one as absolute.

It is for this reason that he makes the fatal mistake of assuming that in politics ultimate formal decision by the ignorant many is necessarily equivalent to the rule of ignorance. In technical language this is the error of confounding democracy as a form of the state with democracy as a form of society, or, more generally, of confounding the state organized in the constitution with the state behind the constitution. Of course it is conceivable that the ignorant masses might not only vote, but vote independently, endeavoring actually to express, in their voting, their own ignorant opinions; but it is not less conceivable that they might defer to the opinions of leaders wiser than themselves. There is no *a priori* necessity for thinking that a *plébiscite* registers a really popular judgment. Tradition, custom, imitation, industrial conditions, indefinite modes of economic and social pressure may conspire to make a popular election nothing more than an endorsement of the policy of a few individuals. Not only may democracy as a form of the state coexist with aristocracy as a form of society, but more profound studies of sociology than have yet been undertaken may one day demonstrate that the political mode of democracy is vitally dependent upon certain non-democratic relations in the non-political modes of social intercourse and organization.

This purely formal criticism, however, must not be allowed to stand as a substitute for that which is more concrete and

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vital. What we are most concerned to know is, first, whether at the present time Mr. Lecky's imperfect conception of democracy is a true generalization of political facts — whether non-political society no less than the state has become democratic, whether popular sovereignty is, in fact, the rule of ignorance; and secondly, whether, if democracy is indeed at the present time a rule of ignorance, its tendencies and conditions compel us to believe that it will never be anything better.

Taking the concrete view, then, candor forces the frank admission that Mr. Lecky has sustained a serious indictment of the political democracy of the hour. Stated in the fewest words, the charge is the old one — as old as the *Politics* of Aristotle — that democracy is not always favorable to liberty, and that it breeds jobbery, extravagance and disregard of justice. To heighten the picture through the device of contrast, Mr. Lecky begins his story with an account of English representative government in the eighteenth century. Of this preliminary sketch it is the critic's unpleasant duty to say that it is not altogether truthful. It would be hard to find in political annals a more extreme development of corruption, including a more wanton debauchery of the civil service, than England had attained under her rotten-borough Parliamentary system a century ago. This aspect of his subject Mr. Lecky touches very lightly, while he enlarges upon the merits of a system which brought into Parliament a great number of men of extraordinary ability, which secured to ministries a persistent support that could be relied upon, which was surrounded by traditional reverence, which upheld the institutions of property, religion and civil liberty, and which, all in all, "had unquestionably worked well." These merits of the English Parliamentary system the framers of the American constitution sought to perpetuate in that instrument, and on this fact also Mr. Lecky dwells. In theoretical opposition to this English parliamentarism, which represented classes, vested interests and concrete institutions, to the utter neglect of an abstract political equality, stood the speculative, or French, type of democracy, which aimed to level all inequalities of privilege and of power

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by giving to every man one vote and to every vote the same value. Little by little this speculative democracy of Rousseau has been passing out of the realm of ideas into the world of political facts, and inch by inch it has been conquering the ground once held by the Parliamentary system. The second half of Mr. Lecky's first chapter is devoted to an account of the progress of democracy in France and in the United States since 1848, and to some of the more obvious consequences, particularly the decreasing stability of governments and the gigantic increase of taxes and public debts.

From this sketch of his argument Mr. Lecky passes at once to the several counts of his indictment. To mention only the more important of these, they are that democracy confiscates property; that it restricts liberty in the alleged interests of morality and of the working classes; and that it tends to give the balance of power in society to the emotional, rather than to the rational, elements of the population.

The proof of confiscation is a record of facts of very unequal values. The meaning of the steady growth of taxation by cruder and ever cruder methods and of the reckless expenditure of public revenues is not to be mistaken. Alike in France, in Canada, in the United States and in Australia, public finance is and has long been a monstrous scandal. But the Irish land legislation, which Mr. Lecky evidently regards as a rather blacker act of governmental robbery than any other which he recalls, will not be admitted in evidence by all among his readers who are in general agreement with his opinions. It is not absolutely certain that this legislation was not in essence, although in a barbarously crude form, an act of long-delayed justice. Still less can it be admitted that the popularity of the single tax is an evidence of a widespread desire to confiscate private property. Mr. George himself did unquestionably in *Progress and Poverty* advocate the confiscation of land values; but it was not until his original proposition was converted into the essentially different doctrine of the single tax that it won many adherents. Far more telling, in the charge against the ethics of democracy, are the examples of

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recent attacks upon literary property. The popular majority that will not or cannot see the justice of copyright laws has no sense of the moral grounds of property in any form whatsoever. The most humiliating examples of all, Mr. Lecky might have drawn, had he chosen to do so, from the repudiation of public debts and from the greenback and silver "crazes" in the United States.

That democracy is ready to sacrifice individual liberty to ends which it believes that it can attain directly through restrictive legislation, is not a novel proposition. Mr. Lecky's chapters in proof of it are in substance not unlike Mr. Herbert Spencer's papers on "The New Toryism" and "The Coming Slavery." Their force is due to their comprehensiveness and their wealth of detail. Even the hardened reader of individualistic tracts will experience a new sensation as he turns Mr. Lecky's pages and follows through one continuous narrative the astonishing story of modern legislation against gambling, liquor-selling, cigarette-smoking and other modes of vice, and of the yet more elaborate legislation in behalf of "labor," consisting of laws limiting the hours of employment, regulating the internal affairs of the factory and of the workshop, fixing the times and modes of wage payments, prescribing the details of tenement-house construction and management, forbidding the competitive employment of convict labor by the state, and even fixing a minimum wage for municipal laborers. If any enthusiastic believer in "the rights of man" has supposed that, because in its later developments democracy has refrained from interfering with the individual by the murderous methods of the French Revolution, it has been any the less disposed to regulate his life for him, he must be prepared to see his illusion dispelled when he ventures to read Mr. Lecky's pages.

There is one great class of interests, however, in respect of which democracy has apparently fought persistently and irresistibly for liberty. Democracy is as hostile now as it was under the Directory to all restraints upon liberty imposed in the name of religion or by ecclesiastical authority. There are no more brilliant pages in Mr. Lecky's volumes than those in

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which he traces the continuous encroachment of the civil upon the ecclesiastical power, the extension of secular education, the substitution of civil for ecclesiastical marriage, and the growing disregard of Sunday laws.

But, as Mr. Lecky warns us, it will not do to become too confident that we discover here a form of liberty that democracy will under all circumstances defend. There are significant limitations. In the first place, it is not liberty as such that democracy has contended for in its alliance with secularism. Its real concern has been to throttle a hostile power. This has been sufficiently proved by the excessively illiberal dealing of French democracy with the Roman Catholic Church, especially in educational matters. Another and much more interesting demonstration, however, has not escaped Mr. Lecky's survey. This is found in the history of American legislation against the Mormon Church and its institution of polygamy. Mr. Lecky leaves his readers in no doubt that, while he is no apologist for either Mormonism or polygamy, he is unable to reconcile certain radical features of the Edmunds Act with the principles of the federal constitution. In the second place, the Roman Catholic Church has undoubtedly a much deeper sympathy with democracy and with certain forms of socialism than it can possibly have with a scheme of law and government which frankly accepts the principles of private judgment and individual responsibility in affairs of conduct, and the policy of unrestricted competition in industry. The membership of the Roman Church corresponds far more closely to the wage-earning masses than to the business and professional classes. No intelligent observer can have followed the recent developments of Roman Catholic policy without discovering that the church is preparing to give up its struggle against the forms of civil government and to exercise its authority henceforward through them. It has no intention of surrendering the smallest fraction of authority as such, but it expects more and more to express authority through a spiritual ascendency in the mind of the voter. Instinctively or rationally the Holy See has discovered the true relation of the state behind the constitution to the state within

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the constitution. Could there be for its purposes a better instrument than a democracy which is disposed to rule absolutely, substituting for the authority of a monarch by divine right, not liberty and individual responsibility, but the authority of a majority by divine right?

To prove that democracy tends to give the balance of power in society to the emotional rather than to the intellectual elements of the population, it would only be necessary to show that universal suffrage is in fact the actual rule, as distinguished from the more or less mechanical voting, of the many. It is the exceptional man whose conduct is controlled by reason. Hardly less exceptional is the man whose opinions are moulded by reason. The crowd, the mass, is swayed mainly by example and by feeling. Mr. Lecky is not dependent, however, upon this line of proof. Proof of another kind is ready to his hand, and he does not fail to make the most of it. The democratic movement has not stopped at universal suffrage among men. It aims to extend the legislative franchise to women also. Already it has half accomplished its purpose. English women enjoy the municipal suffrage, and they believe that the Parliamentary franchise is within their grasp. In the United States women of Colorado and Wyoming vote for state officers, for Congressmen and for presidential electors. In New Zealand and in South Australia, women vote in all matters on a perfect equality with men. Mr. Lecky's treatment of this question is eminently calm and judicial. Most of the alarmist arguments against the political activity of women he sets aside as puerile; but there is one which he finds to be of unmistakable force. He calls attention to the passionate interest which women have of late been taking in various "humane" crusades, including anti-vivisection, and then says:

> There have been ages in which insensibility to suffering was the prevailing vice of public opinion. In our own there is, perhaps, more to be feared from wild gusts of unreasoning, uncalculating, hysterical emotion. "Les races," as Buffon said, "se féminisent." A due sense of the proportion of things, an habitual regard to the ultimate and distant consequences of political measures, a sound, sober and

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unexaggerated judgment are elements which already are lamentably wanting in political life, and female influence would certainly not tend to increase them.

Nor is it likely that it would be in the direction of liberty. With women, even more than men, there is a strong disposition to overrate the curative powers of legislation, to attempt to mould the lives of men in all their details by meddlesome or restraining laws; and an increase of female influence could hardly fail to increase that habit of excessive legislation which is one of the great evils of the time.

Such are some of the consequences of democracy as a form of the state which are now to be observed in America and in Europe. They are not yet as tragic as were the consequences of democracy in Paris one hundred years ago; not yet as grotesque as were the consequences of democracy in Athens in the days of Cleon the Tanner. Nevertheless, in their essential quality they are not different. They are undoubtedly restrictive of liberty; they reveal a spirit of absolutism; they are stamped with dishonesty and with folly.

But are these the final consequences? Do we yet see the end of the democratic movement? Do we know its destiny, or can we, at least, be sure that we have discovered its persistent tendencies?

To frame a partial answer to these questions we must remember that democracy has only now begun to develop its positive program. Democracy originates in resistance to oppression. It is the child of liberty. Historically it is always after the property-accumulating middle classes succeed in establishing the institutions of civil liberty that they extend political privileges to the wage-earning multitude. They do so partly because they realize that their own political rights were forcibly wrested from monarchy and nobility, and they fear that they themselves may be forced in turn to surrender if they do not make voluntary concessions; partly because they have a strong belief that the blessings of liberty are so obvious that men who have once enjoyed will not curtail them; but chiefly because the division of the electorate into parties has created a powerful inducement to extend the suffrage as a means of increasing the voting strength of the

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party that happens to be in power. Thus, liberty has led inevitably to universal suffrage. But it has done so only because the masses have suffered from wrongs and neglects that have called for remedy, and because the ruling classes have desired to carry out policies that could be accomplished only through the political aid of the masses. The student of political science will never understand democracy until he sees clearly that its origin is not due to the formulation of any positive program by the masses themselves.

The institution of universal suffrage is, therefore, only the first of two historical stages, the second of which we can but conjecturally forecast. The masses have had political power conferred upon them by their political superiors. They have associated it with the rectification of wrongs from which they have hitherto suffered. Their political conceptions, therefore, have been almost wholly negative. How to use political power positively to further their economic and moral well-being, is a problem to which they have only very recently begun to give earnest attention. That they are beginning to reflect upon it is made evident wherever there is a serious interest in the public school system, or in questions of public morals and of public health.

It is therefore too soon to say that democracy must continue to be the rule of ignorance. That it may so continue, is not to be denied. But there are two possibilities of better things, to each of which attention must now briefly be given. It is possible, first, that the masses, in attempting to formulate a positive program for the use of their power in furtherance of their own well-being, will speedily learn the great lesson which the middle classes learned some hundreds of years ago. That lesson is, that the only way in which political power can be made to further the well-being of a community or of a class is through the establishment and the maintenance of civil liberty. Experience has over and over again demonstrated — it will infallibly continue to demonstrate — that a high degree of material prosperity can be attained only through freedom of enterprise and of organization, and that the highest type of per-

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sonality can be developed only through intellectual liberty and individual responsibility. The middle-class civilization that Mr. Lecky so ardently admires has been developed because the middle classes perceived that liberty was the one means through which they could utilize their power in the creation of wealth, art, science and moral order. In the development of the internal policy of the great labor organizations there are signs that the wage earners are learning the truth, that whether or not liberty is, as Proudhon said, "not the daughter but the mother of order," she is at any rate the mother of progress. If this truth becomes a popular conviction, the democracy of the twentieth and twenty-first centuries will be very different from that of the eighteenth and nineteenth centuries.

The second possibility is that the voting masses will follow a rational guidance. Whatever the form of the state that is organized in the constitution, the state behind the constitution can never be absolutely democratic. This is the explanation of phenomena that have puzzled the theorists and the historians for many centuries. It is conceivable, though not probable, that the industrial organization of society, like the political electorate, may become democratic. Coöperative associations may displace the *entrepreneur*. It is possible that all the minor forms of association also may become wholly democratic. But never, by any possibility, can democracy establish itself within the cultural organization. Differences of mental ability and of moral power will always exist among men; and by a law that is as absolute in the realm of mind as the law of gravitation is in the physical world, inferior men will continue to defer to their superiors, to believe dicta instead of thinking propositions, and to imitate examples instead of originating them. This is why the democracy that has rebelled against the traditional modes or forms of authority, and has become distrustful of the leadership of cultivated men, invariably evolves that most preposterous and contemptible of potentates, the "boss." Leadership of some kind men must and will have.

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The destinies of political democracy will, therefore, be determined ultimately by the character of the aristocracy that rules the state behind the constitution. The ignorant masses of Mr. Lecky's formula will not rule through their ignorance. They will rule through their deference to great humbugs, great scoundrels, great priests or great men. At present they rule through their deference to the great humbugs and the great scoundrels, and so lend support to Mr. Lecky's belief that democracy is the rule of ignorance, and afford apparent justification of Mr. Carlyle's definition of the people as a certain number of millions, mostly fools. If it could be shown that the "boss" is a creation of political democracy, the outlook would indeed be dark. But there are many reasons for believing that popular thought on this question inverts the order of cause and effect. The "boss" is probably not the product of democracy. The misdeeds and follies of democracy are probably due to the independent existence of the "boss." The "boss" flourishes and reigns because men have for the time being lost their faith in the true aristocracy of intellect and conscience. Only to the faint-hearted and to the short-sighted should there be any need to say that a determined effort to restore that faith is to be the most momentous sociological phenomenon of the next fifty years. The initiative may be taken by the Roman Catholic Church. Accepting democracy as the inevitable form of the state within the constitution, the Roman Catholic Church fully and deliberately intends to make itself again what once it was — the ruling aristocracy of the state behind the constitution. If this purpose becomes more and more obvious, the forces of Protestantism will again be roused to intense activity. The principles of liberty and of individual responsibility will again be opposed to the principle of authority and will again fascinate the minds of rationalistic men.

In all probability, therefore, the destiny of democracy is to be controlled either by religious authority or by a much more earnest and thoughtful type of Protestant liberalism than that which prevails to-day. In a struggle between these forces men

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of all ranks and conditions, the rich and the poor, the learned and the unlearned, will give their allegiance to worthy leaders. The "boss" with his deeds of ignorance and of evil will sink into oblivion. It should be needless to add that such a struggle, if it comes, will be a contest of ideas. The church that seeks to rule through democracy is of necessity an enlightened church, controlled by men of pure and lofty aims, to whom the imbecilities of A.P.A.-ism are an idle wind that they regard not. For those, however, who understand the true significance of such a struggle, there should be no difficulty in forming an opinion upon the wisdom of further extending democracy within the constitution by including women within the electorate. If we believe that salvation lies in authority, let us by all means give the ballot to that half of the population which instinctively associates all hard-headedness with spiritual untowardness. But if we value freedom of contract and of organization, the right of private judgment and individual responsibility, let us not advocate woman suffrage until we are convinced that through education and a broadened experience of the world women in general have subordinated emotion to judgment, and that good women in particular have emancipated themselves from the evil belief of moral and political absolutism — that the end justifies the means.

FRANKLIN H. GIDDINGS.

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# REVIEWS.

*A Preliminary Treatise on Evidence at the Common Law.* Part I: *Development of Trial by Jury.* By JAMES BRADLEY THAYER, Weld Professor of Law at Harvard University. Boston, Little, Brown & Co., 1896. — 186 pp.

Before attempting to set forth the existing law of evidence, Professor Thayer has found it necessary to show how the highly technical rules which constitute this branch of the English common law came into existence. He finds that their development has been intimately connected with the development of trial by jury. Under a system which places the decision of controversies in the hands of men neither learned in the law nor schooled in logic, special pains must be taken so to present the issue that no one can well mistake it; and evidence that is not impertinent may have to be excluded lest it confuse the untrained mind. The separation of the question of law from the question of fact was occasioned, as Professor Thayer shows, by distrust of the laity (*doubt de les lais*); it was an outcome of the more general purpose "of preventing the jury from going wrong on impulse or misapprehension." That this separation has come, in the discussions of legal writers, to supersede and displace the broader point of view has tended, the author thinks, to obscure the whole subject (pp. 118, 119). On the Continent, where, after the disappearance of the popular courts and the reception in the new governmental courts of the Roman-Canonical procedure, decisions were rendered by the "learned judges," the law of evidence remained simple. It may be added that Professor Thayer's line of argument helps to clear up a question that has perplexed not a few English students of the old Roman law, namely, why this law also has so scanty a body of rules regarding proof. At first glance the Roman and the English methods of administering justice seem analogous: until the third century of our era the Romans referred the actual decision of cases to men not connected with the governmental administration of justice. But the Roman magistrate, in the Republican period at least, was not necessarily learned in the law; and the Roman *iudex* or referee, who was taken under the Republic from the Senatorial or the Equestrian order, and under the Principate

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from a relatively small panel of the wealthiest citizens, might be *iuris peritus*, and was regularly a man of far more intelligence than the English juryman in his best estate. Under these circumstances it is not surprising that, after the prætor had heard the preliminary pleadings and had formulated the issue, the case was sent for actual trial to the referee; and it seems quite natural that the *iudex* was permitted to listen to any evidence that he deemed pertinent, and to give it such weight as it seemed to him to deserve.

The entire volume before us is devoted, as its title indicates, to the history of trial by jury in England. Accepting and utilizing the results of Brunner's great treatise on the *Schwurgericht*, Professor Thayer has continued and supplemented the investigation. Brunner's chief object was to lay bare the continental roots of the English institution, to reveal the historical connection between the Frankish *inquisitio* and the Norman-English jury of proof. Professor Thayer's chief task — a task which is admirably discharged — is to show, step by step, the transformation of the jury of proof into the jury of decision. It was, of course, with this last metamorphosis that the law of evidence took shape. So long as the jury was composed of men who presumably knew more than any others about the matter in dispute and who were selected for this reason, there was little occasion for the parties to produce evidence. The jury included, as far as this was practicable, precisely the persons who, under our modern system, would be summoned as witnesses. The chief function of counsel was to insist upon the facts, already known to the jury, which made for their respective clients; they began, if the Hibernicism is admissible, by summing up. The judge's charge, in which the issue was made clear, regularly preceded these arguments. Almost the only evidence presented was documentary. Writings under seal were entrusted to the jury and went out with them. "The presence of the writing at the private consultation of the jury seems to have been conceived of as if it were a witness to a deed, or one of those who testified to a view, or [of] those present at the giving of dower" (pp. 107, 108). In other words, the parchment witnesses went out with the human witnesses, and their silent voices had due influence upon the verdict. With the gradual transformation of this jury of witnesses into a body of men who were brought together, not because they were already informed of the merits of the case, but to the end that, after being informed, they might decide the case, production of evidence of all sorts, including the testimony of witnesses, became necessary, and the rules of evidence took shape. Even more rules

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were elaborated, as the author evidently thinks, than the character of these bodies made necessary.

The book, as will be evident from the few points singled out for notice, is of interest not to lawyers alone, but to all students of institutional history. Its usefulness is increased by a careful index.

MUNROE SMITH.

*L'Idée de l'État.* Essai Critique sur l'Histoire des Théories Sociales et Politiques en France depuis la Révolution. Par HENRY MICHEL. Paris, Hachette & Cie., 1896. — vii, 659 pp.

The content of this very substantial volume is not clearly indicated by either the chief or the secondary title. There is no set treatment of the general theory of the state, nor is the history of social and political theories presented in a comprehensive form. It would be fairly exact to describe the work as a history of individualism in French political theory since 1700. M. Michel conceives that the individualistic dogma was the most characteristic principle of Revolutionary theory; that the modification of, and reaction against, this dogma have been the most conspicuous features of social and political philosophy since the Revolution; and that accordingly it is not inaccurate to employ the most general terms in designating his essay in this particular field. Possibly, too, a shrewd and entirely justifiable desire to differentiate his book from the never-ending swarm of publications on individualism and socialism has influenced him in excluding both these overworked terms from the title.

For the task that he undertook M. Michel shows himself to have been well fitted. He has read widely, and he shows admirable powers of both analysis and synthesis. Though he has a thesis to establish, he is a model of impartiality in his examination of all theories, whether favorable or adverse to his own. His taste has led him to treat exclusively of the development of ideas, but he expressly concedes the importance of a thorough acquaintance with the facts of objective history as a basis and a corrective for our judgment on the course of philosophic thought.

In his "Introduction" M. Michel sketches the various systems of political and social theory in the eighteenth century which, starting from different points, converged just before the Revolution into "*la thèse individualiste.*" Voltaire, the Encyclopedists and the Physiocrats, he points out, tended only to qualify the idea of the "adminis-

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trative monarchy" of Louis XIV by insisting that the despotism of the state should be directed to certain desirable ends. Freedom of thought, general happiness, freedom of commerce — these ends respectively should be promoted by the state, not, however, as rights of the people, but for the benefit of the state. On the other hand, in the writings of Montesquieu, Rousseau and Condorcet in France, and of Kant, Fichte and Adam Smith elsewhere, appears the idea of the man as man, with rights that the state is bound to respect. This idea, formulated with distinctness by the American colonists at the time of their separation from England, became the dominant principle of the French Revolution. But the author very acutely points out that in the minds of the individualists of the eighteenth century there was no conception of a profound antagonism between the man and the state; that was a later notion. The triumph of democratic equality in the Revolution, bringing governmental power into the hands of the masses, increased rather than diminished the scope commonly assigned to state activity. The state was to be the all-powerful agent for promoting the welfare and interest of the individual. Not the paternal care of the "enlightened despotism," but the rational consciousness of his own good on the part of each individual, was conceived to be the underlying principle of state action.

After thus determining the character of the Revolutionary individualism, the author proceeds to examine the reaction which set in against it. In the theocratic school of Bonald and Maistre, in the utilitarianism of Bentham, in the historical thought of Burke and Savigny and in the abstractions of Hegel, he finds a common element, though rather opposing than contradicting the individualistic thesis. The ultimate principle in each of these systems is a conception of the state as an entity essentially independent of the individual. Their philosophy tends not so much to antagonize as to ignore the individual, and to busy itself solely with the state, conceived as determined not by the human will, but by God or by custom or by law or by history or by the Absolute. This book of M. Michel's work is perhaps the cleverest of all. There is required, if not great genius, certainly great ingenuity to make Bentham fit into the same class with Burke and Hegel, but M. Michel shows himself equal to the task.

It is in the economic and social reaction against individualism, which is treated in Book II, that a clearly defined contradiction of the Revolutionary doctrine begins to appear. In the St. Simonians

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and in Louis Blanc are found the beginnings of socialism. The industrial revolution having brought in its train misery to the working classes, various devices for the removal of this evil are brought forward. Sismondi and the dissident economists insist on positive action by the existing state in the sphere of morals; Louis Blanc calls for state guarantee of the right to labor; while the St. Simonians propose the radical readjustment of existing economic institutions and the establishment of an associational theocracy. But the tendencies of these various lines of thought are accompanied by a pronounced recrudescence of individualism. Now appears, for the first time, the idea of an absolute opposition between the individual and the state. In the exclusion of the state from positive action either for or against the interests of the private man lies the essence of the individualistic argument. The orthodox economists insist that government keep its hands off from industry and commerce: the political scientists of the Doctrinaire and Liberal schools resent the intrusion of the state in projects for social and moral improvement. It does not escape the author that the net result of this *laissez-faire* individualism was to consecrate all existing inequalities among men — that it was the philosophic expression of the *bourgeois régime*. The state was to be merely an instrument for the maintenance of fair play between struggling individuals and groups of individuals, but the instrument was to be wielded by those who had been successful. In this form, individualism had become unfaithful to its origins: "starting in the recognition of equal rights of all orders, it ends in the justification of privilege."

In the recent decline of this anti-state individualism, M. Michel ascribes the chief influence in France to the development of sociology under the impulse of Comte. For scientific socialism, the influence of which has also been important, he has to examine the works of foreign writers, confessing that France has not produced in that field any complete system. The essential principle of the sociological movement is the conception of society as a living organism, endowed with a functional activity quite independent of the individual. As Bonald set above man the state founded in theological mystery, and as Hegel enveloped the state in metaphysical mystery, so Comte involves society in a materialistic mystery. The net result in each case is the same: "the individual withers," and the life and functions and powers of the mass assume the chief importance. To this tendency a very decided impetus is given by

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the scientific socialists, who, in contributing to the modification of economic theory, have thrown into a strong light the weaknesses of the individualistic dogma in its larger aspects.

The present condition of French philosophy in the field where M. Michel works is, he thinks, one of general incoherence and confusion. Before the assaults of its adversaries individualism has lost ground, and is groping about rather blindly for some secure foothold. At the same time a large measure of eclecticism has characterized recent thought. This fact he illustrates by showing the existence of individualistic and socialistic principles side by side in the writings of Le Play, Taine, Renan and others. Out of the decay of a clean-cut individualism, however, the growth of a well-defined state socialism is very manifest. Against this development M. Michel is moved, in conclusion, to seek for some efficient means of philosophic opposition. Only here at the end of his work does he reveal his confidence in the individualistic thesis, and make his suggestions for its maintenance. The line of action has been indicated, he holds, by M. Renouvier, for whose work he manifests a high appreciation. It must first be admitted that, with all the variations in which the doctrine of individualism, as well as that which opposes it, has appeared, the essential philosophic antithesis between the two is that between realism and necessity on the one hand and idealism and liberty on the other. Man is conceived of either as the creature of some abstract, but real entity, — humanity, society, the social organism, — or as working in entire freedom through his own volition toward an ideal perfection. Of these two antipodal conceptions only the latter is reconcilable with any logical system of general philosophy, or with the conceptions of human dignity, of right, of popular sovereignty and of political liberty ; hence the latter — the philosophy of liberty — must be accepted. This brings us back at once to the eighteenth-century individualism, from which later writers have deviated. Assuming liberty, justice must be defined ; and this, the author concludes, consists in the will and in the effort to assure to every moral personality the right to live and to rise through culture. Liberty and justice, thus rationally determined, are the ends of the state. The means to the attainment of these ends are to be determined empirically. It has been a source of much confusion in political philosophy that theorists have determined ends empirically and means *a priori*. The scope of the two methods must be clearly distinguished. On the basis of these distinctions, his conclusion is that the state has duties toward the

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individual; but rights cannot be assigned to it. Its function in respect to the individual is to assist, not to constrain, the development of his personality. This is where the author's view is held to differ from that of the socialists. From that of the orthodox economists it differs in not accepting competition among individuals as the primary or exclusive agency in their development, or limiting state action to the palliation of the evils incidental thereto.

It is not likely that M. Michel's solution will end the long controversy over the problem of individual *versus* state; but there is no room to doubt that his work is a most valuable and suggestive contribution not only to the history of doctrine in France, but to the understanding of a far-reaching problem that is prominent in every civilized land.

WM. A. DUNNING.

*La Enseñanza de la Historia.* By RAFAEL ALTAMIRA, Secretario del Museo Pedagógico Nacional. Madrid, Victoriano Suárez, 1895. — xii, 475 pp.

The author of this excellent and very useful work is already known to the scientific world by his history of communal property, which J. H. Round said should "be secured by every student of this fascinating subject." Altamira is one of that group of men whose object is to rouse Spain out of its scientific lethargy. In 1891 he put forth a work on the teaching of history; but as it circulated only privately, most students were restricted to Mr. Armstrong's account[1] of it for a knowledge of the author's views. Owing to the cordial reception of this work, Altamira determined to offer it to the world at large; and, while doing so, he revised and enlarged it, thus virtually producing a new book.

Though the purpose of the book is purely pedagogic, it is conceived on so broad a plan that, apart from its pedagogic doctrines, it has many other valuable features. The object of Altamira is to review the methods of teaching history that are in vogue in the various civilized countries, and then to see if these methods are in conformity with the best ideals, as elaborately worked out by him. Thus the work opens with a descriptive account of the methods employed in France, in Germany, in England and in the United States. Only a few words are devoted to Belgium, Holland and Italy. About Russian and Austrian methods we learn nothing, while Spanish problems are reserved for careful treatment in the final chapter.

[1] *English Historical Review*, VII, 808, 809.

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Only in the case of France, and naturally also of Spain, is this part of the work the result of personal observation : for other countries the adequate published accounts are relied upon. The account of the methods employed in the higher institutions of France is very complete and very instructive. The account of German conditions is also satisfactory ; and the author makes a very pregnant criticism when he says that, although the German *seminaria* are admirable institutions, far too much stress is placed upon the technical side, upon the means of getting the facts, and too little upon the development of an historical sense in the students. It is worth while for our educators to ponder over this criticism ; for in America German pedagogic principles are dominant. Altamira does not devote much space to English institutions ; for his object is to study the best means of producing historians, while the main object of the English universities is to produce cultured gentlemen, not scholars. The account of the teaching of history in the United States is based on a full knowledge of the inadequate literature of the subject : Hinsdale's work was, however, unknown to Altamira until the latter's book was in print. This account, naturally containing nothing that is new to an American, is very flattering, and perhaps too much so.

After this descriptive part, the author devotes a chapter to the scope of history, showing that in ancient and mediæval times history was predominantly political, of the "drum-and-trumpet" type, and that gradually its scope has broadened. This account is very valuable ; for it contains much interesting and largely inaccessible information about Spanish writers of the eighteenth century—Sarmiento, Jovellanos, Forner and Masdeu — and likewise fills up some gaps in Flint's book, especially as regards Volney and Mably. Altamira's own conception of the proper scope of history is exceedingly broad. History should, he believes, describe the organic development of society in all its aspects. It should treat of the private, social, economic, political, literary, scientific, legal, moral and religious life of all peoples, giving no undue importance to any one factor. He favors what is generally called the history of civilization, but objects to the present use of this term, which wrongly excludes from consideration the history of barbarous peoples and the political life of nations in the narrow sense, as well as their intercourse with one another. According to Altamira's view history and sociology would stand in the same complementary relation in which Seeley thought history and political science should stand.[1]

[1] Introduction to Political Science, p. 4

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Altamira apparently knows nothing of modern political science, and especially of the modern conception of the state. He continually confuses state and government. It is in harmony with this ignorance that he does not discuss constitutional history at all, and entirely ignores Gneist's masterly outline of the scope of constitutional history.[1]

After defining the scope of history, to use an expression that in his case constitutes an apparent paradox, Altamira discusses some other characteristics of modern historiography: (1) the recognition of the influence of physical conditions, climate, soil, topography, *etc.*; (2) the strong reaction against the "great-man theory" of history; (3) the conception of the unity of history as the result of the evolutionary doctrine. The historical account of the views of men, from Plato on, as regards the influence of physical environment, is very valuable and interesting. It adds some useful information to that contained in Professor Ripley's recent article.[2]

The three following chapters are devoted respectively to a classification of historical material, a description of the best methods of using such material, and a classified list of the published original sources. Then the proper functions of the text-book are described, and the educational value of history is explained. The final chapter is devoted to a completely adverse criticism of the very meagre instruction in history given in Spain.

An intense hostility to the use of text-books in the class and a strong belief in the educational advantages derived from a study of the original sources sum up Altamira's pedagogic principles. The use of text-books and even of lectures in a narrative form, he contends, makes the study of history purely a matter of memory, and fails to arouse the critical faculties of the pupil. In all grades, as far as possible, original sources should be used; museums, ancient edifices, historic scenes should be visited under the guidance of the teacher; contemporary narratives should be critically studied. But while the mechanical text-book should be abandoned, scientific monographs and the works of great historians should be carefully read.

This brief summary necessarily gives but a faint conception of Altamira's views. These general ideas he has developed in a most clear and cogent form. The work is extremely suggestive, and, if translated, would be very useful to American students, both as a guide and as a reference book. Altamira displays a fine critical

[1] History of the English Constitution, I, ix.

[2] POLITICAL SCIENCE QUARTERLY, X, 636, 655.

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sense, great breadth of view and vast erudition, similar to that on which Lord Acton's reputation rests. Like Lord Acton's erudition, Altamira's makes the book hard reading by unnecessarily obscuring the author's own views.

GEORGE LOUIS BEER.

COLUMBIA UNIVERSITY.

*The Writings of Thomas Paine.* Collected and Edited by MONCURE DANIEL CONWAY. New York, G. P. Putnam's Sons. Vol. I (1774–1779), 1894, viii, 445 pp.; Vol. II (1779–1792), 1894, 523 pp.; Vol. III (1791–1804), 1895, xv, 436 pp.; Vol. IV, 1896, xxiii, 521 pp.

The age in which Paine lived and wrote had need of his peculiar talents. No other pamphleteer of his time could so well gather the thoughts and sentiments common to a whole people and give to them such clear and forcible expression. His position and importance in the history of our Revolution depend not upon his constructive ability, but rather upon his power of vigorous enunciation, of making a people think in clear terms what everybody already felt to be true. No pamphlet of the period was so widely circulated or exercised such a powerful influence as *Common Sense:* it found its way into almost every family throughout the colonies, and at once became part of the political creed of the patriots. Nor was its influence confined to America: Deane wrote from Paris only a few months after the publication of the pamphlet that it was having "a greater run, if possible, here than in America." Paine's enthusiastic devotion to the cause of liberty carried him headlong into the French Revolution. *The Rights of Man*, perhaps his ablest work, was received by the world as favorably and exercised as great an influence as even *Common Sense.*

"It is not creditable," says Mr. Conway in his "Introduction," "that the world has had to wait so long for a complete edition of writings which excited the gratitude and admiration of the founders of republican liberty in America and Europe." To the general public, however, the mention of the name of Thomas Paine calls up even yet the religious iconoclast rather than the patriot philosopher; and probably the tardiness of the world in recognizing his real position in our Revolution is due in no small degree to the odium heaped upon him because of his religious opinions and personal habits. Had he died twenty years earlier, the author of *Common Sense* might have taken his place in the estimation of his countrymen by the side of

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the great men with whom he labored. The careful and painstaking work of Mr. Conway is a long step towards rescuing the name of Paine from undeserved forgetfulness and setting aright before the world the man whose pen wielded such mighty influence in two great revolutions. Mr. Conway has brought to his task the carefulness of a scholar combined with the enthusiasm of an admirer; his notes are few and to the point; his research has brought to light a few articles which have hitherto been unknown, as well as a larger number that have not been recently republished. The first three volumes contain Paine's early and political works, while the fourth is devoted to his religious, poetical and scientific writings.

LESTER G. BUGBEE.

UNIVERSITY OF TEXAS.

*Social Changes in England in the Sixteenth Century, as reflected in Contemporary Literature.* Part I: Rural Changes. By EDWARD P. CHEYNEY, A.M. Boston and New York, Ginn & Co., 1895. — 114 pp.

In this brochure the changes that came over English society in the fifteenth and sixteenth centuries are examined by Professor Cheyney from the point of view of contemporary literature, which is, as all familiar with English economic history know, peculiarly rich in complaints over the distress and hardships of the times. The study is in many respects a particularly useful one; and through its quotations and maps it gives a lively picture of English rural life in an important period of transition. The quotations are practically complete, and the maps, — the first, a photograph of open fields of to-day in Germany; the second, a photograph of four of the facsimile maps published by the University of Oxford in 1889, — although too limited in number, are distinctly new contributions.

The editor begins with the old *régime*, when the open-field system of cultivation was still in force — when tenure was fixed by custom and the legal relation of the tenant to the land was not well defined; when the universal characteristics of the social organization were the large coöperative element in everyday life, the connection of the people with the soil, and the dependence of the system on custom and not on law or contract. He follows the movements of the next one hundred and fifty years (1450–1600), and traces the yielding of corporate life to individual freedom, the separation of the population from the land, and the substitution of contract and law for custom, in consequence of which the people at large, unable to accommodate

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themselves to the changed circumstances, were in great distress and poverty.

To illustrate these changes Professor Cheyney introduces quotations from contemporary prose and verse writers, who speak of the wide and rapid increase of sheep-farming, the greater demand for English wool at home and abroad, the need of good investments for unemployed capital — which resulted in the enclosure of the champaign, the eviction of tenants and the substitution of pasture for grain land — and who complain especially of the loss of grain-farming and the diminution of the population. In commenting on these complaints the editor shows that the new system of farming was superior to the old, and that the decay in the towns was due to the shifting of population rather than to an actual loss. He notes that by reason of the greater productiveness of sheep-farming, with the gradual substitution of competitive for customary rents and the increase in the currency, a rise in rents and an increase in the size of farms occurred; that speculators in the towns bought up lands in the country, either to occupy them, or more often to rent them at an advanced rate; that the dissolution of the monasteries, by inducing absentee ownership and encouraging inclosure, increased the size of parks and game preserves, and caused new evictions to be effected.

Professor Cheyney introduces further quotations containing the writers' remedies for what they considered to be the great evils of the time; he notes the revolutionary attempts to check the progress of these evils — the Pilgrimage of Grace, Kett's Rebellion, the riots in Northamptonshire and Warwickshire; and he traces the gradual subsiding of distress and disorder, due to the attainment of a more satisfactory equilibrium in economic production. He closes with the end of the period of transition, calling attention to the feeling of individual independence and the conception of national unity that characterized the people of the sixteenth century.

In doing this work Professor Cheyney has proceeded with the care and discrimination of an unprejudiced editor, and has avoided speculation and hypothesis. That he has not gone further and entered into a discussion of the legal and economic questions involved, is to be commended, partly because of the unsatisfactory nature of the evidence, which is as yet inadequate, and partly because he would not thereby have altered his conclusions as to the economic effects of the change. Professor Ashley's speculations have not convinced those who believe that historical conclusions should be preceded by long and thorough investigation; and Mr. Leadam's laborious researches,

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although adding valuable evidence of a legal character, show fully the difficulties of the problems, and are enough to deter students on this side of the water from entering into the controversy. It is idle to discuss the question of the legal status of the evicted tenants, the security of their tenure and the character and rank of the evictors without access to manuscript material. More studies like Professor Maitland's analysis of the Wilburton manor rolls and Mr. Leadam's "Inquisition of 1517" are needed; and it is to be hoped that the Selden Society will some day do for the fifteenth and sixteenth centuries what it has already done for the thirteenth and fourteenth.

BRYN MAWR COLLEGE. CHARLES M. ANDREWS.

*Staatswissenschaftliche Arbeiten: Festgaben für Karl Knies zur Fünfundsiebzigsten Wiederkehr seines Geburtstages, in Dankbarer Verehrung dargebracht.* Von Prof. DR. EUGEN VON BÖHM-BAWERK in Wien, DR. O. VON BOENIGK in Breslau, Prof. DR. J. B. CLARK in New York, Prof. DR. EB. GOTHEIN in Bonn, Prof. DR. EM. LESER in Heidelberg, Prof. DR. EDW. R. A. SELIGMAN in New York. Herausgegeben von OTTO FREIHERRN VON BOENIGK. Berlin, O. Haering, 1896. — v, 338 pp.

Few books are invested with the degree of sentiment which attaches to a congratulatory volume addressed to a revered teacher by a body of students who have themselves long attained to scientific distinction and academic influence. Such a work, however notable, arrests attention by its occasion rather than by its content, and even the formal reviewer is tempted to substitute a general estimate for a detailed examination. This is preëminently the case with the present *Festgaben*, inscribed to Karl Knies, upon his seventy-fifth birthday, by a group of his most distinguished students in two continents. In an admirable but brief introduction the editor, Dr. Otto von Boenigk, has voiced the sentiment of devoted students. But a wider circle claims recognition. Knies is a name that the economic world delights to honor, and in every quarter of the globe economic writers and thinkers, bearing in mind the distinguished services of this "*Altmeister der Volkswirtschaftswissenschaft*," will repeat with grateful earnestness the fervent wish of the editor, that Karl Knies may continue his fruitful activity for many years, and that the evening of his life may approach in serenity.

The essays in the volume fall naturally into three groups: Dr. von Boenigk and Professors Gothein and Leser write on economic his-

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tory; Professors Clark and Böhm-Bawerk on economic theory; and Professor Seligman on finance.

Dr. von Boenigk presents the characteristic features of "The Anti-Chinese Movement in America," as revealed in a mass of literature, for the most part ephemeral, which is here catalogued in a useful preliminary bibliographical note of nearly two pages. The entire dependence of the writer upon secondary material renders his narrative somewhat stale and trite to the American reader, and emphasizes the need of an adequate study of this significant chapter of American social history. Dr. von Boenigk makes the most of his opportunities, however, and reaches the conclusion that the problem is ethnic and social rather than economic, and that the exclusion of the Chinese from Western lands is entirely warranted.

Professor Leser makes a brief but interesting "Contribution to the History of Option-Trading" by calling attention anew to Joseph de la Vega's treatise on stock speculation, written in Spanish and published in Amsterdam in 1688, and to John Houghton's *Collection for the Improvement of Husbandry and Trade* (London, 1692–1703). To the reader wont to regard "dealing in futures" as a distinctly modern form of commercial activity, this revelation of an ancestry of more than two hundred years is at once curious and striking.

Of greater importance than the two preceding papers is Professor Gothein's detailed study of "Changes in Agricultural Conditions in the Rhine Country." The paper is an expansion of an address before the Social Science Union of the University of Bonn, and combines directness and simplicity of style with fullness and accuracy of treatment. The evolution of land tenure, the influence of varying industrial environment and the radical changes in agrarian economy are traced with easy precision. The monograph reveals the inductive method at its best, and we are again reminded of the unique opportunities afforded in this country for kindred investigations, the results of which shall be at once of scientific moment and of practical influence.

The appearance of the third and final volume of Karl Marx's *Capital* enables Professor Böhm-Bawerk to supplement the acute analysis of socialistic theories contained in his *Capital and Interest* with an incisive critique upon "The Completion of the Marxian System." The central point of attack is the fundamental analysis in Marx's posthumous volume — the attempt to harmonize the corollary of the labor theory of value, that capitals of like size but of unlike

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texture yield unlike profits, with the practical fact that capitals of like size normally yield like profits, regardless of their composition. The solution lies in the formulation of a law determining the average rate of profits. At such a law Marx ultimately arrives; but its consistent acceptance is possible only — as Professor Böhm-Bawerk demonstrates with characteristic completeness of argument and pertinence of illustration — by a virtual repudiation of the cherished labor theory of value.

Of the two remaining papers in the collection — Professor Clark's on "The Unit of Wealth" and Professor Seligman's on "The Theory of Betterment" — it is unnecessary to speak to American readers. Few who have attempted to grapple with the problem of an ultimate standard of value — the *ignis fatuus* of economic analysis — have failed to find help and suggestion in Professor Clark's remarkable article in the *Yale Review* for November, 1892, the essential thought of which is here reproduced. Similarly Professor Seligman's differentiation of the special assessment as a distinct category in the classification of public revenues, and his scholarly exposition of its origin, theory and practice, already familiar to the readers of his *Essays in Taxation* and earlier papers, represent real contributions to fiscal science, the significance of which will be more fully appreciated as the field in which the special assessment preëminently figures — municipal finance — receives more general examination.

JOHNS HOPKINS UNIVERSITY. J. H. HOLLANDER.

*The Law of Collateral and Direct Inheritance, Legacy and Succession Taxes.* By BENJ. F. DOS PASSOS. Second edition. St. Paul, West Publishing Co., 1895. — xxiv, 654 pp.

The revised edition of Mr. Dos Passos's treatise is to all intents and purposes a new work, with between two and three times as much matter as its predecessor, an amended title and a new publisher. Making allowance for legal verbosity, the increased size of the book is due in part to the long appendix and very full index, and in part to the rapid extension of the inheritance tax in recent years. Since the first edition was published in 1890, this form of taxation has been adopted by Massachusetts, Tennessee, New Jersey, Ohio, Maine, California, Michigan and Illinois, and has been extended to direct heirs in New York, Michigan, Ohio and Illinois. The second edition was published too soon to record the new laws in Iowa and Virginia, and it omits to mention the progressive tax of Missouri and

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the revival of the tax on foreign heirs in Louisiana. Moreover, progressive inheritance taxes have been adopted in five Canadian provinces, and authorized by constitutional amendment in Minnesota. During the same time the constitutionality of inheritance taxes has been upheld by the supreme courts of Massachusetts, Maine and Tennessee. The Michigan tax was held not to comply with a special requirement of the state constitution; but the only serious set-back recently encountered was in Ohio, where the progressive tax on direct heirs was annulled by a far-fetched interpretation of the state constitution. The progressive principle was held to conflict with the following section in the bill of rights: "All political power is inherent in the people. Government is instituted for their equal protection and benefit."

Mr. Dos Passos points out that the original Pennsylvania statute of 1826 was a vast improvement upon its English model of those days, in that it applied to both real and personal property; but in the matter of exemptions, both to direct heirs and to institutions, he declares the American laws "insuperably inferior" to the English system of to-day. Nevertheless, his account of the English death duties is inadequate and misleading. Even the American laws are not stated without some inaccuracies. It is scarcely correct, for example, to say that the inheritance tax was not applied in New York until "more than sixty years after its successful adoption in Pennsylvania and other states"; that it is in force at present in North Carolina; that it has been "put in force . . . by constitutional provision in Minnesota"; that the constitution of that state was "immediately amended" upon the annulment of the old law; or that the Delaware tax, in its present status, is "graduated from one to five per cent." Again, it is misleading, at least, to mention the Australian colonies among the places in which the tax has most "recently been inaugurated."

The greater part of the book is, of course, devoted to questions of legal interpretation. Recent legal decisions have reaffirmed the principle that the inheritance tax is not a tax upon the property involved, but is upon the privilege of succession. It is therefore not subject to the same constitutional restrictions as property taxes, and it is even applicable to United States bonds, which could be reached by the taxing power of the commonwealths in no other way. It also follows that a commonwealth may tax legacies to the United States government. The same legal principle seems to lead up naturally to the theory which regards the inheritance tax as a payment for definite

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services rendered by the state. This, at any rate, is the theory accepted by Mr. Dos Passos.

Looking into the future, the author foresees a continued extension of this form of taxation. Three times he confidently predicts that it will soon be in force in all the states of the Union. He recommends it as a most desirable substitute for "the odious tax on personal property"; and he is favorably inclined toward the adoption of progressive rates.

The proof-reading is atrocious in some places; but John Stuart Mill is so consistently referred to as "Mills" that one doubts whether the fault is all in the proof-reading. The reader is frequently tempted to wish that all lawyers would follow Mr. Stimson's excellent example and devote their leisure to literary pursuits, so that they might use good English when writing law.

WASHINGTON, D. C. MAX WEST.

*Cours Élémentaire de Statistique Administrative.* Élaboration des Statistiques — Organisation des Bureaux de Statistique — Éléments de Démographie. Par le Docteur JACQUES BERTILLON, Chef des Travaux Statistiques de la Ville de Paris. Paris, Société d'Éditions Scientifiques, 1895. — 599 pp.

In 1889 the superior council of statistics in France expressed the wish that statistics might be made a part of the examination for entrance to certain administrative offices. The plan was approved by the minister of commerce, and was acted upon favorably by several bureaus, but there was no text-book. To fill the gap the volume before us was prepared, and it naturally corresponds as closely as possible to the program of subjects recommended by the council. It describes minutely the various bureaus of statistics in France; the various schedules used and the methods of filling them; the methods of tabulating the primary figures, of casting percentages, averages and totals, and of arranging, classifying, verifying and illustrating by graphical methods the results. The material is treated very elaborately, as befits the purpose of the book, but it is not done at all perfunctorily. Constant comparison is made with foreign bureaus, certain defects of the French system are sharply criticised, and many suggestions are given in regard to statistical method. There are also a definition of statistical science, a summary history of statistics, and a *résumé* of the chief facts in regard to population (*démographie*). It is, thus, far more than a mere cram-

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book for candidates for the civil service. It will undoubtedly take a place in the literature of statistics, and will be useful to the general student as well as to the persons for whom it was primarily intended. It is less elaborate on the practical side than Levasseur's *La Population Française*, and on the theoretical, than von Mayr's *Statistik und Socialwissenschaft;* but in some respects it is keener than the former and more realistic than the latter of those valuable works.

The close student of statistics, if he can face (or ignore) the somewhat formidable mass of office schedules and administrative instructions, will, I think, find his profit in this book in two directions. It will enable him to verify the trustworthiness of French statistics so far as that can be done by a knowledge of the way they originate. This is no small gain; for such knowledge, though often desired, is generally inaccessible to the ordinary student. M. Bertillon's book is perhaps somewhat encyclopedic in this respect; but similar works for other countries, especially England and the United States, where there is such diversity of statistical material, would be very welcome. In the second place, by ignoring the administrative "rubbish," the student will be able, as noted above, to exhume a very suggestive treatise on statistical method.

Owing to the character and purpose of the book, critical comment on the strictly scientific parts of it seems out of place. M. Bertillon probably introduced as much "science" as he thought profitable or possible. Certain parts of the "*Démographie*," however, are decidedly defective. For instance, criminal statistics, for which France has been so famous, are disposed of in two pages. Again, the feeble birth-rate in France is clearly exposed and its consequences deplored, but no explanation is given for it.

M. Bertillon lays great stress upon *la vie normale*. This is that age where the absolute number of deaths is greatest, and it falls between 70 and 75 years. Leaving out the period of infancy, the number of deaths increases up to that age, and then, owing to the small number of survivors, falls off. We may term this age, M. Bertillon says, the normal length of life, as being the period which the greatest number just attain; it may be likened to a point on the target about which the shots group themselves in such a way as to convince us that a definite effort has been made to hit that particular center. All this seems to me dangerously analogous to Quetelet's *l' homme moyen*, a conception which M. Bertillon has already repudiated. The whole matter has been explained by King (*Life Contingencies*, p. 29) as concerned with that year of age in which the life is most likely to

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fail. After age 1 the number of deaths is greatest during the year 73 to 74; and therefore the most probable year of death for all persons aged between 2 and 73 is the age 73 to 74. But this does not make it the normal lifetime. The figure has no such value or interest as M. Bertillon attributes to it. RICHMOND MAYO-SMITH.

*Cours d'Économie Politique.* Par VILFREDO PARETO. Tome Premier. Lausanne, F. Rouge, 1896. — 430 pp.

This work is comprehensive in its scope, since it is to include, when complete, a treatment of pure economics, of applied economics and of economic organization, embracing the evolution and the functions of industrial society, with a concluding book on distribution and consumption. The present volume discusses the first two of these subjects. The writer is catholic in his affiliations. Retaining concepts of classical origin, such as the notion that capital originates in consumers' goods used for the support of producers, he blends them with concepts derived from recent Austrian studies, such as the resolving of loans into exchanges of present goods for future goods.

The definitions show originality. The term utility, for example, has its ambiguities; and Professor Pareto substitutes the word *ophélimité*, meaning capacity to satisfy any want, whether rational or irrational. One variety of capital, he argues, is the personal, consisting of laboring men. Savings, however, are not capital, but can be transmuted into it. It is in connection with this distinction that he makes the most interesting study in this volume.

The author says that savings are consumers' goods. They may be loaned to a consumer who will simply use them up, or they may be loaned to a producer who will make them over to laborers and so transmute them into capital. There is a rate of pay for the loan of savings; but this does not depend entirely on the productivity of capital, for some savings are lent to consumers for direct use.

This conception of savings as not identical with capital might suggest the existence of two independent funds, continuing side by side. A reader might suppose that the author meant to imply that society possesses a stock of productive instruments, including tools, buildings, raw materials, *etc.*, and also a second stock of usable goods, held in storage and waiting to be dealt out to laborers. It is impossible that this should be his meaning, for no such storing of usable goods actually takes place. The consumable articles in mer-

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chants' shops are, in a sense, incomplete until they are sold. They are the shopkeeper's raw materials. When they are sold, however, the consuming process begins. Particular articles for consumption that fall within the category of savings have no duration in that condition. In the prevalent nomenclature, they are the merchant's capital till they become the laborer's wages. Yet, in the author's view, savings are let for hire, although they are not capital. The rate of payment for the use of savings depends partly, but not wholly, on the productivity of capital.

What is proved by this study is the fact that the problem of interest cannot be solved by a mere study of capital goods. Business men think of capital as a permanent sum, expressible in terms of money, but not consisting of money. By a figure of speech they call interest a payment for the use of "money." By a different dialectical process Professor Pareto resolves the payment for loans into a compensation for the use of savings. In both cases something figures in the interest problem besides particular tools and materials concretely conceived.

J. B. CLARK.

*Das Einkommen und seine Vertheilung.* Von Dr. FRIEDRICH KLEINWAECHTER. Leipzig, C. L. Hirschfeld, 1896. — 352 pp.

Dr. Kleinwächter's work constitutes the fifth volume of the *Hand- und Lehrbuch der Staatswissenschaften in Selbständigen Bänden.* It treats the general subject of distribution in a thorough and comprehensive manner. For a German work the style is remarkably clear and simple, the explanations are full and the illustrations are numerous and well chosen; so that even the beginner need have no difficulty in understanding the author's treatment of this most difficult department of political economy. In fact, if any criticism were ventured upon the manner of presentation, it would be that in some places the author is a trifle prolix in illustration. Why should it be necessary — to choose a single example — to devote two pages and a half to the distinction which everybody sees at a glance between nominal and real wages (*Geld- und Naturallohn*)?

The English-speaking reader is at a disadvantage in not having in general use an equivalent of the word *Einkommen*, as it is used by the author. While it is manifest that he discusses precisely the same question which American writers have discussed under the title of the distribution of wealth, it is equally evident that the German expression is in some respects preferable. It is not the

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wealth of the community, but what the community produces during a given period, with which the problem of distribution has properly to do.

After the manner of Roscher and other German economists, the author is historical and critical as well as constructive in his treatment of every part of his subject. The reader is led up to a proper concept of a national income (*Volkseinkommen*) by a sketch of the past attempts to arrive at such a concept. The idea was first developed by the Mercantilists, to whom it meant simply the excess of a nation's receipts of the precious metals over its expenditures thereof. With the Physiocrats it was supposed to consist in the value of the national products over and above the cost of producing them — the so-called net product. From this error even Adam Smith and his followers did not succeed in entirely emancipating themselves. Some of the later German economists have fully appreciated the difficulty of arriving at a correct concept, and have suggested two methods for measuring the amount of the national income: (1) the so-called "real method," which is based on an aggregate of the products of the national industry; and (2) the so-called "personal method," based on the aggregate of all the individual incomes. It is apparent that neither method is capable of practical application; but the statement of them and a consideration of the difficulties involved in using them may help to a correct concept of the true national income. The "real method" is impracticable, because it would be impossible, where there are several stages in the production of the finished article, to avoid counting many products twice or oftener. The "personal method" is impossible, because no one can tell what his real income is, or how much he is benefited by the national industry.

Dr. Kleinwächter's discussion of rent, interest, wages and profits contains little that is new except the manner of presentation. But it must be said that nowhere else will one find all the latest developments in economic theory so well summed up as in the volume before us. The universality of the law of diminishing returns is clearly set forth; the rate of wages is shown to be governed by the demand for and the supply of labor; the demand for labor is shown to rest upon its productivity, and the supply of labor to depend upon the cost of producing it, that is, upon the standard of living of the laborers; the supply of capital is shown to depend upon saving and the rate of interest to depend therefore upon the subjective cost involved in saving. Profits are shown to arise from the ability to foresee and

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avoid dangers and risks which the average man has not the courage to face or the skill to avoid.

The volume closes with a very complete bibliography, covering every phase of the subject. On the whole, there is probably, at the present time, no single work that will better repay reading by the student who wishes to gain a comprehensive view of the subject of distribution.

T. N. CARVER.

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*Der Arbeiterschutz: Seine Theorie und Politik.* Von Dr. KUNO FRANKENSTEIN. (Hand- und Lehrbuch der Staatswissenschaften. 1. Abteilung: Volkwirtschaftslehre, 14. Band.) Leipzig, C. L. Hirschfeld, 1896.—x, 384 pp.

Dr. Frankenstein says the object of his book is twofold: to serve as a text-book on the subject of protection for the laboring class, and to indicate to the layman the present legal status of such protection in the leading countries of the world. He does not aim to present a picture of the social status of the laboring man, as he deems insufficient the material at present available. He also touches but lightly on the history of social progress, as a separate volume on this subject is promised for this same series.

The different elements contributing to the material and moral aid of the laboring class are grouped as follows: (1) the state as protector; (2) self-help by means of trades-unions, coöperative societies, *etc.;* (3) the influence of special social institutions, such as the family, the schools and the church; (4) all the varied forms of charity for their relief, entertainment and elevation. Dr. Frankenstein is an ardent defender of the *Katheder-Sozialisten* and apparently a disciple of Schäffle. He would have the state regulate hours of employment, periods of rest, *etc.*, not only for women and children, but also for men. In his judgment a working day of eleven hours would at the present time be feasible for Germany without injury to the entrepreneur, while a further reduction to ten hours is possible. He advocates radical legislation for securing rest from labor on Sunday; for all the recent agitation and law-making on that subject in Germany seem to him but a step in the right direction and far within the limits of what ought to be done. From these few examples of his views on the duties of the state toward the laboring class, it may be seen that Dr. Frankenstein belongs to the ever-increasing army of

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moderates, who oppose the individualists on one side as strenuously as they do the socialists on the other.

For the student the greatest value of the book lies in the comprehensive survey of the legal measures for the protection of labor taken by the leading countries, more especially by those on the Continent, and, naturally, most of all by the German Empire. A distinctly welcome feature of the book is the bibliography on pages 319 to 384. While by no means complete, it is, as it stands, the best available general list, and is especially valuable for the German periodical literature, which it cites very fully. A minor fault is the very frequent misspelling of English book-titles; a much greater one, however, is the absence of an index, the lack of which, in spite of the detailed table of contents, is a marked hindrance in using the book for reference.

F. B. HARTRANFT.

COLUMBIA UNIVERSITY.

*Race Traits and Tendencies of the American Negro.* By FREDERICK L. HOFFMAN. Publications of the American Economic Association, Vol. XI, Nos. 1, 2 and 3. New York, Macmillan & Co., 1896. — 329 pp.

In this monograph Mr. Hoffman endeavors to prove that the American negro is deteriorating. It has been a popular belief that under our fostering civilization the freed negro is increasing in numbers so rapidly as to menace our republican institutions; but after reading Mr. Hoffman's work, all such ideas must be abandoned. His logic is convincing, and his data, collected with difficulty and taken mainly from city records or the census reports, point to the one conclusion that the race of negroes is on the downward grade.

The author first shows that the proportion of the colored population to the total population of the United States has fallen from 18.10 in 1830 to 14.13 in 1860 and 11.93 in 1890. This decrease is apparent in Southern as well as in Northern states. He also points out that the negroes tend, on the one hand, to concentrate in the cities, where they occupy undesirable and unsanitary districts, and on the other, to migrate to Southern rural sections in which the colored population already preponderates. Thus, in sixteen large Southern cities, where the white population increased 94.11 per cent during the decade 1880–90, the colored population increased 262.6 per cent; whereas in ten Southern states where the white population increased 51.19 per cent, the negro population increased only 50.93 per cent. Furthermore, in the cities the negroes are mainly concentrated in a

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few wards. For example, 63 per cent of all blacks living in Chicago in 1890 were crowded into three wards, which contained only 6.3 per cent of the white population. The *Hull House Maps and Papers* show, too, that the "section inhabited almost exclusively by colored persons is also the section which contains all the houses of ill-fame in this part of the city." Similar conditions are shown to exist in other large cities.

In this migration of the colored people to the cities, where they are crowded together in unsanitary districts, Mr. Hoffman sees the first great step toward race degeneration. Under such conditions the birth-rate cannot make good the death-rate, and the continued migration to the city must lead to the gradual extinction of the race. The birth-rate of the colored race is, indeed, in excess of that of the white population, but this fact in itself counts for little. The birth-rate must be considered in its relation to the death-rate; and the death-rate of the blacks greatly exceeds that of the whites. Moreover, the death-rate of the blacks is steadily increasing, while that of the whites is decreasing. The mortality of the negroes exceeds that of the whites by 62.1 per cent. In ten Southern cities the death-rate for whites during the quinquennium 1890–94 was 20.12 per thousand, while that of the negroes was 32.61. In the Northern States, the deaths among the negroes outnumber the births, and any apparent increase of black population is entirely due to migration. In four cities in which life tables were calculated on the basis of the census of 1880, the expectation of life at birth was from 12.5 to 17.1 years less for the colored than for the white population.

The chapter devoted to "Race Amalgamation" shows that very few of the pure African stock remain. The mulatto, inferior physically both to the pure black and to the pure white, has increased at the expense of the pure black; and the crossing of the two original races has been detrimental to the colored population. There seems to be little ground for thinking that a successful blending of the two races on a large scale is probable. On the contrary, the crowding together of the colored people in cities and the excess of women over men leads to prostitution for gain and to an increase of illegitimates, with the accompanying increase of infant mortality (26 per cent of all colored births in Washington) or of weakly mulattoes. Such amalgamation can only mean degeneration.

In this condensed review of Mr. Hoffman's admirable work I have given only a few of many facts upon which his striking conclusions are based. One line of argument, which is strengthened by a com-

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parison of his own data with the statistics of the colored race in the West Indies, he summarizes as follows:

> The decrease in the rate of increase in the colored population has been traced, first, to the excessive mortality, which in turn has been traced to an inferior vital capacity. The mixture of the African with the white race has been shown to have seriously affected the longevity of the former and left as a heritage to future generations the poison of scrofula, tuberculosis and, most of all, of syphilis.

So far his conclusions are fully warranted by the facts; but Mr. Hoffman stands upon much more insecure ground when he maintains that this deterioration and decrease in vital capacity are indications of racial traits. That racial difference may account for many economic phenomena can hardly be questioned, but that it accounts for all those here presented is hardly proved by the facts produced. Thus, the author says:

> It is also plain now that we have reached the underlying causes of the excessive mortality from consumption and the enormous waste of child life. It is not in the *conditions of life*, but in the *race traits* and *tendencies* that we find the causes of excessive mortality. [Page 95.]

This statement seems to have been made regardless of the facts which are so forcibly brought together in Chapter I. As he there shows, before the war the colored people were a distinctly rural or agricultural people; but during the last thirty years they have tended to migrate to the cities, where they are crowded into a few wards, which as a rule are the most undesirable sections of the city. "After all that has been said on the modern tendency of civilized people to leave the country for the city, there are probably no other instances of such wholesale migration to the city as is here shown." Any rural population suddenly transferred to such unfavorable conditions of city life must suffer in the same way. Under such conditions no peculiar "race traits or tendencies" are necessary to explain a sudden increase in infant mortality or physical degeneration. Nor must it be forgotten that a race suddenly thrown upon their own resources under entirely new conditions, as were the negroes after their emancipation, must necessarily suffer from such change of circumstances, regardless of race tendencies. A similar answer could be made to Mr. Hoffman's argument that immorality, which is constantly increasing among the negroes, is a race trait. It is true that Mr. Hoffman says: "The loss thus sustained by the rural districts of the South is not very large numerically nor proportionately" [p. 31];

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but as his conclusions are based on statistics of the colored population in the cities, and as he compares the negro of to-day with the rural negro of thirty years ago, the criticism is still applicable. The facts presented by Mr. Hoffman seem to confirm rather than to detract from the statement quoted by him from John Stuart Mill:

> Of all the vulgar modes of escaping from the consideration of the effect of social and moral influences on the human mind, the most vulgar is that of attributing the diversities of conduct and character to inherent natural differences.

GARY N. CALKINS.

COLUMBIA UNIVERSITY.

*On the Structure of Greek Tribal Society: An Essay.* By HUGH E. SEEBOHM. London and New York, Macmillan & Co., 1895.— xi, 147 pp.

Mr. Frederick Seebohm's notable book on *The Tribal System in Wales*, recently reviewed in this QUARTERLY (vol. xi, p. 310), has been quickly followed by his son's essay, which "owes its existence," as Mr. Hugh Seebohm modestly confesses, to his father's "inspiration and encouragement." We find in it the same leading ideas, the same method of enquiry; it may, indeed, be not unfairly described as a search among scantier Greek evidence for phenomena like those which Mr. Seebohm *père* discovers in the fuller Welsh material. But the search was worth undertaking, and has been carried out with ability; and both authors are to be congratulated on "fellow-work" so very pleasant.

Mr. Hugh Seebohm begins by setting forth "the *meaning* of the bond of kinship" in ancient Greece, and shows that it involved the duty of providing the services owing to the dead, the duty of providing male succession, and a liability for bloodshed by any member of the kin. Under each of these heads he collects a great deal of interesting information. Then he turns to consider "the *extent* of the bond of kinship," and finds the answer to his question in the ἀγχιστεία of Athens in the fourth century B.C. This was a group of kinsmen including the great-grandchildren of a common ancestor, — stretching out, that is, to embrace second cousins, — "a compact group responsible to each other for succession and vengeance," which he regards as a survival from "tribal" conditions. Finally he deals with "the relation of the family to the land." Following Professor Ridgeway's well-known essay on *The Homeric Land System*, he concludes that

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the βασιλεύς . . . has his select estate, his τέμενος, with orchards and gardens of considerable extent; while the swarms of tribesmen are allotted their κλῆροι in the open field, their share in the common pasture, and depend on each other for help in the vintage and harvest. [Page 102.]

The κλῆρος was originally inalienable, and Mr. Seebohm thinks of it as made up of scattered strips like the *yardland* or *hufe* of mediæval Europe. It is a pity that Dr. Pöhlmann's criticism of Professor Ridgeway's paper, which will be found in the first volume of the *Zeitschrift für Social- und Wirthschaftsgeschichte* (1893), has escaped Mr. Seebohm's attention.

Mr. Seebohm calls these chapters of his mere "notes" or "suggestions," and he doubtless feels that there are many of his contentions that are open to question. Much of the evidence he adduces is rather "patient of" than inevitably provocative of the interpretation he puts upon it; and perhaps he scarcely realizes the strength of his own prepossessions. For instance, it does not follow from the mention of "men with many κλῆροι" that "the κλῆρος *must*, therefore, at this time have been at any rate roughly of some recognized area" (p. 108), any more than to say now that a man has several estates necessarily implies that the estates are all of the same size. The *parages* of mediæval France (pp. 49, 50), like the South-Slavonian house-communities, have not necessarily anything "tribal" about them, unless all strong family feeling is "tribal"; and in that case we should have to reckon as such the settlements of property common in the rich families of the United States, the most "detribalized" of countries, if we may coin a word. Perhaps it would be a good thing if we could provisionally banish the word "tribal" from every page of our books except the summings-up. It has a way of slipping in as a matter of course, and of assuming just what we want proved.

W. J. ASHLEY.

HARVARD UNIVERSITY.

*La Criminalité Politique.* Par LOUIS PROAL, Conseiller à la Cour d'Appel d'Aix. Paris, Félix Alcan, 1895.—viii, 307 pp.

"Science sans conscience, disait Rabelais, est la ruine de l'âme. Politique sans morale est la ruine de la société." If one reflects upon them, these pithy words, which conclude a remarkably fresh and profoundly thoughtful study of political immorality, are found to suggest much more than they directly say. The present age has cared for science rather than for conscience, and in politics it has valued

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intellectual clearness more than devotion to principle. There are multiplying signs that conscience is again asserting its authority, and that the masses of the people intend in the near future to demand integrity, no less than cleverness and strength, in the management of political affairs. M. Proal's book appears at an opportune moment. Both the scholar and "the plain man" are giving to the critical examination of actual politics an amount of time and effort comparable only to the time and effort that were bestowed upon political theories a century ago. This is true not only in Europe, where liberal government is yet on trial and corruption threatens to undo the republicanism that kings could not overthrow, but also in the United States, where an unprecedented campaign has been fought through to an unequalled triumph on the single question whether common honesty shall be the corner-stone of our policy. Everywhere men are acknowledging the duty, so impressively emphasized by President Cleveland at the Princeton University ceremonies, of that attention to politics which has in the past been regarded too much as a privilege. A judicially calm yet ethically earnest review of the modes, causes and consequences of political criminality that have weakened and desolated states for two thousand years cannot fail, if read, to strengthen the growing conviction that righteousness exalteth a nation. This conviction has been partly intuitive belief and partly historical generalization. M. Proal's book may be described as the first attempt, conceived in the modern scientific spirit, to establish it as a true induction.

M. Proal is a recognized authority on the theory of crime and punishment. His first important work, *Le Crime et La Peine*, was crowned by the Institute. It offered a very different interpretation of increasing crime from that which has been forced upon public attention by criminal anthropologists. It insisted upon the reality of moral responsibility and the duty of the state to punish the evil-doer. It was marked throughout by a sincere ethical spirit, and was a much needed corrective of the more extreme "anthropological" views of the Italian school. His readers will therefore be prepared to find in the present work much less resemblance than the name would indicate to *La Crime Politique et Les Révolutions* by Lombroso and Laschi. The latter authors study chiefly the crimes against governments (as distinguished from crimes against society or against mankind) and the character of the political offender or revolutionist, which, they easily demonstrate, is in many respects different from that of the offender against mankind. M. Proal also studies the anarchist, the

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tyrannicide and other revolutionists, but he applies himself chiefly to an examination of criminality in government and in politics, and to the motives of scoundrels who are clothed with respectability and sit in the high places of authority. Beginning with the history of Machiavelism, he takes up in order assassination, anarchy, political hatreds, political hypocrisy, political spoliation, the corruption of politicians, electoral corruption, the corruption of law and justice by politics and the corruption of manners. Each of these topics is fully treated. Positive facts are given in all necessary detail. The teachings of political leaders, churchmen and moralists in regard to them are critically examined, and the general opinion, or sentiment, of society upon them at different times and places is analyzed. Altogether the volume is a sober and convincing scientific work, and yet it is also a sobering and disquieting one.

It is sobering because it fully establishes two unpleasant conclusions. The first is that the active politician, the world over, continues to believe in the maxim that in politics, if not in individual conduct, the end justifies the means. The second is that although the practical consequences of this maxim are invariably disastrous, they are often so involved or so long delayed that a presentation of the facts is more likely to confuse than to enlighten the average voter. The great value of M. Proal's work lies, first, in the success with which he has overcome this difficulty by extending his survey over a long period of time and by carefully attending to his perspective, and, secondly, in the skill with which he has exposed the essential sophistry of some of the more plausible disguises under which the maxim conceals itself. One of these is the dictum that the public safety, rather than reason, honor or principle, is the supreme law; as if the very question of what the public safety requires could be answered when men forget principle and sneer at reason. Another is the contention that deceit is legitimate in party warfare and lying in diplomacy. Among the strongest pages of M. Proal's volume are those which expose the imbecility, not to mention the peril, of diplomatic lying. Yet another sophism is the belief that stealing, defamation of character and other iniquities are justifiable if they are in the order of "manifest destiny" or are contributory to a "cause." The defense which the "practical" man always sets up for his evil maxim is that in a finite world ethical rules after all are, like truth, purely relative. Accepting this idea without analyzing it, the practical man soon begins to sneer at "absolute" morality and at ideals, and to talk ponderously about the horrors that men of ideals and absolute

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standards, like Rousseau and Danton, have brought upon mankind. The plain truth of the matter, however, is that it is exactly this type of the practical man who is of all men the most abstract in his thinking, and whose ethics, such as he has, are of the most absolute sort. The doctrine that the end justifies the means is absolutism unqualified. It ignores the relativity of ends. The man who really understands that morality is relative, and who feels it as well, always remembers the relativity of the end in view not less than the relativity of the means that may be employed to its attainment, and he insists that the first comparison instituted shall be one between the ethical value of the end sought and that of the means chosen. Moreover, such a man will guard himself against an overvaluation of the desired end which would insidiously lead him to underrate the importance of choosing unquestionable means; he will hold himself ready to make sacrifices or to endure suffering before adopting means that he would under other circumstances pronounce evil. Finally, it is only such a man who can really appreciate the great truth, which Burke so clearly and so fully demonstrated, that in politics ends and means must be not only ethically but also historically right, as natural incidents in the normal and continuous evolution of a people.

FRANKLIN H. GIDDINGS.

*Hamburg und England im Zeitalter der Königin Elisabeth.* By Dr. RICHARD EHRENBERG. Jena, Gustav Fischer, 1896. — viii, 362 pp.

England in the days of Henry VIII was economically far inferior to Germany. But in the second half of the sixteenth century these relative conditions were reversed. Germany declined very rapidly, while England made giant strides forward. The causes of this change were many and varied, but among the most important was the advantage England gained through the new trade routes, which were a consequence of the geographical discoveries of the preceding century. Then, again, the rise of the Tudor absolute monarchy permitted a vigorous application of the principles of Mercantilism, which, in a very crude form, had already appeared in England under Richard II. A national economy took the place of mediæval "inter-communal or inter-municipal commerce." On the other hand, in Germany, with its political disintegration which was about to be further intensified by the religious troubles, there could be no national economy. Moreover, through the new trade routes South

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Germany lost a great part of its trade. The rich South German merchants consequently sought other fields in which to employ their capital. They lent money to foreign princes, and suffered irreparable losses through the Spanish and French bankruptcies of the day. The trade of North Germany, too, had been fostered by the Hanseatic League, and naturally suffered with the decline of the League's power. The subject of Dr. Ehrenberg's monograph is the extension of English commerce through the settlement of the merchant adventurers in Hamburg.

As a result of the quarrels of the merchant adventurers with Antwerp and of the religious troubles in that city, the woolen staple was removed from Antwerp, first to Emden and finally in 1567–69 to Hamburg. This city granted extraordinary privileges to the merchant adventurers, of which Ehrenberg gives full details, with the Latin text of a presumably accurate copy of the original agreement. This action of Hamburg called forth vigorous protests from the Hanse, and especially from Lübeck. This was natural; for the national economic policy of the Tudors, strongly influenced by Sir Thomas Gresham, opposed the special privileges that the Hanseatic merchants enjoyed in England, and in 1553 had even caused their suspension. Through Hamburg as a gateway, English trade extended far into Germany. Instead of exporting wool, England was now even forced to draw upon the raw materials of other countries for its rapidly increasing woolen exports. As Ehrenberg says, the pitiful decline of German industry was unquestionably much accelerated by the concessions to the English merchants.

The merchant adventurers were unable to protect their monopoly against "interlopers," who shipped cloth to other places than Hamburg, even to Antwerp; and the opposition of the Hanse to the English settlement in Hamburg still continued, for the privileges of the Steelyard were being diminished. Accordingly, at the end of the ten-years' agreement Hamburg, despite the gain to the city treasury, refused to renew the agreement unless the privileges of the Hanse in England were restored. The English government adopted reprisals against the now powerless Hanseatic League, which relied upon its past strength to coerce England. The Hanseatic trade was ruined because, owing to the lack of any German national policy, English merchants were able to ship their goods to places in Germany not belonging to the League. Finally, to the great annoyance of the Hanse, Hamburg tacitly renewed the privileges of the English merchants. Yet in spite of concessions on the part of England, Ham-

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burg, because of the opposition of the Hanse and of the pro-Spanish emperor, and because of its sympathy with Spain in her contest with the Netherlands and England, refused a formal renewal of the agreement. Before Hamburg would decide definitely, the outcome of the Armada, which it, as well as Spain, believed to be invincible, had to be awaited. The merchant adventurers consequently abandoned Hamburg, and made Stade, a small town on the Elbe, their staple. When the Armada had failed, Hamburg saw its grievous error and sought to retrieve it by driving the English, through an imperial edict, out of Stade. Then followed a very complex period in the history of the merchant adventurers, for economic and political motives were intricately combined. In England began the opposition to the merchant adventurers, owing to the rise of the anti-monopolistic party. On the German side the emperor, by embarrassing English trade, sought to aid Spain. In this the Hanse supported him. Ehrenberg has not adequately elucidated this period, because he did not search the Vienna archives. He refrained from so doing because, as he says, the political aspect of the subject is to him a side issue. The final result of this conflict of interests was that in 1611 Hamburg humbly welcomed the merchant adventurers back on their own terms.

Dr. Ehrenberg does not aim to treat his subject exhaustively, but to pave the way for other investigators. In preparing his monograph he made use of the archives of Hamburg, Lübeck, Bremen and other cities, as well as of the English sources. Access to the archives of the merchant adventurers, which are probably preserved in Mercers Hall, was refused to him, as it had been to Schanz. As regards Ehrenberg's use of his authorities, it may be said that Holbaum's criticism, that he gives too much credence to English authorities at the expense of the German, seems well founded. While not satisfactory on all points, Ehrenberg's treatment of his interesting subject is broad and judicious. It will be of especial value to students of English history, and it incidentally goes to disprove the common contention that historical evolution is dependent on economic conditions. In the case at hand the very opposite seems true.

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# RECORD OF POLITICAL EVENTS.

[From May 11 to November 11, 1896.]

## I. THE UNITED STATES.

**FOREIGN RELATIONS.** — A settlement of the difference with Great Britain on **the Venezuelan boundary question** was announced just at the close of the period under review. During the summer the commission appointed by Mr. Cleveland to ascertain the true divisional line prosecuted researches in various European archives, and subjected to analysis the elaborate "cases" presented by the British and the Venezuelan governments. The commission resumed its regular sessions at Washington, October 10, but suspended work on its report when the settlement by negotiation was reached in November. An eagerness on the part of both Great Britain and the United States to preserve the *status quo* seemed to be indicated by the fact that, when the Venezuelans seized an English surveyor in the disputed region in June (see below, p. 787), the good offices of the United States were asked and promptly given in securing the release of the prisoner. On July 17 was made public the correspondence between the two governments in the negotiations that had been resumed in the spring. The tone and spirit of these later dispatches were far less acrimonious than in the communications published last December. In May Lord Salisbury reiterated his objections to submitting the allegiance of British subjects to the decision of a foreign arbiter, and proposed a commission of four members, two British and two citizens of the United States, who should report upon the facts in regard to the rights of Spain and Holland at the date when Great Britain acquired British Guiana. On the basis of this report he proposed that Great Britain and Venezuela should try to agree on a boundary, failing which the line should be fixed by arbitration, with the proviso that regions occupied by the subjects of either government on or before January 1, 1887, should be left to those governments respectively. Mr. Olney's counter-proposition suggested, as a substitute for this proviso, the following: "That, in fixing such line, if territory of one party be found in the occupation of the subjects or citizens of the other party, such weight and effect be given to such occupation as reason, justice, the rules of international law and the equities of the particular case may appear to require." This suggestion was at once recognized by Great Britain as opening the way to an agreement, but considerable discussion followed looking to a more definite rule as to the determination of the "settled districts." It was finally agreed that occupation for fifty years should be regarded as giving

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title by prescription, and that, subject to this rule, all the territory in dispute should be put in arbitration. On November 9 Lord Salisbury declared in his speech at the Lord Mayor's banquet that the controversy was at an end, and this was confirmed by unofficial statements at Washington. Precise information as to the form of the agreement was withheld, however, pending the determination of minor details. Parallel with the negotiations in reference to Venezuela the discussion of a general treaty of arbitration was carried on between London and Washington, and correspondence on this point also was made public on July 17. From this it appeared that Lord Salisbury submitted a project embodying the heads of a treaty which provided for a permanent tribunal to decide differences between the two powers. In certain specified classes of disputes the award of the tribunal was to be final; in those touching territorial rights, sovereignty or jurisdiction, or pecuniary claims of over £100,000, an appeal was allowed to a court consisting of three supreme-court judges of each country; but any difference which either power considered to affect its honor or the integrity of its territory was to be referred to the tribunal only by special agreement. Secretary Olney's reply proposed a modification of this scheme so as to insure that all classes of disputes should fall *prima facie* within the jurisdiction of the tribunal, while leaving to Congress and Parliament the power by special declaration to withdraw a case as involving national honor or territorial integrity. He also proposed important modifications of the method of review established for the more important cases. No agreement was reached on the points of difference up to the end of the published correspondence. — The treaty for the appointment of a joint commission to adjudicate **the claims of Canadian sealers** under the Bering Sea arbitration award was concluded by the exchange of ratifications, June 3. In case of failure of the commissioners to agree, the president of the Swiss Republic is to appoint an umpire. Both Great Britain and the United States have been investigating through experts the alleged inadequacy of the rules prescribed by the Paris tribunal for the preservation of the seal herds. It is reported that Russia and Japan have signified a desire to coöperate in more severe restrictions upon pelagic seal-hunting. — **The filibustering expeditions** in aid of the Cuban insurgents have continued, though many arrests of men and seizures of vessels have been made by the authorities. On July 30 President Cleveland issued a further proclamation of neutrality, explaining in some detail the force and construction of our laws and again warning all persons against their violation. Much irritation had been manifested in Spain at the failure of our government to prevent aid from going to the insurgents, and it was rumored in July that the Spanish foreign office had prepared a circular note to the European powers complaining of the delinquency of the United States. According to the report, it was only the opportune proclamation of the president that prevented the dispatch of the circular note. In October the administration was officially informed that the Spanish supreme court

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had upheld the American contention as to the *Competitor* prisoners (see last RECORD), and that the proceedings of the court-martial had been annulled.

**INTERNAL ADMINISTRATION.** — Questions of finance and currency have alone assumed importance in this field. The maintenance of **the gold reserve** has again been effected, as a year earlier (*cf.* RECORD for December, 1895, p. 739), through the aid of private financiers, though this time the assistance was not due to any contract with the government. By June 17 the final payments under the bond issue of last February had been made, but though the proceeds of the bonds had been $111,000,000, the treasury's reserve stood at only $103,200,194. It was estimated that of the gold paid into the treasury for the bonds, fully forty millions had been taken out of the treasury for the purpose. Withdrawals for export during May and June were heavy; withdrawals for hoarding resulted from the alarm created by the silver movement in politics; and on July 11 the reserve fell below the hundred-million mark. Ten days later it was only $90,000,000, and the outlook was so gloomy that leading New York bankers organized a movement to turn into the treasury from their own reserves enough gold to sustain the supply until the movement of our crops should end the exportation of the metal. Accordingly, during the week ending July 29 about $26,000,000 were received by the treasury in exchange for legal-tender notes, and the reserve rose far above $100,000,000. This movement in aid of the treasury was participated in by banks all over the country. Supplementing these contributions of gold was a pool formed by the leading dealers in foreign exchange to control that business and maintain rates at such a point as to minimize gold exportation. A recognized motive in this whole enterprise was to avoid a new bond issue by the government, which it was feared would strengthen the silver party in the presidential campaign. The undertaking of the bankers was entirely successful. Exports of gold ceased, and the treasury's supply was abundant when, on August 20, the tide definitely turned and the importation of the precious metal began. This movement developed unexpected strength, and soon dispelled the apprehensions of a panic which had prevailed during the summer. A very large proportion of the imported gold was turned into the treasury, which by the end of September held $120,000,000. The import movement continued on a large scale throughout October, but at that time most of the metal went into private hoards in view of the election. Immediately after the election these hoardings came forth and poured into the treasury at a rate that temporarily overwhelmed the facilities for receiving them. — **The deficit** in the treasury for the year ending June 30 amounted to $26,042,244, about fifteen millions less than for the preceding year. For the new year expenses ran far ahead of receipts from the outset, and the excess for the first quarter (July, August and September) reached $24,000,000. — A change in *personnel* of the cabinet took place in August through the resignation of the secretary of the interior, Hoke Smith, and the appoint-

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ment as his successor of D. R. Francis, of Missouri. It was understood that the cause of Mr. Smith's retirement was his final resolution, after some vacillation, to support the silver branch of the Democracy, while the president and the rest of the cabinet held to the other branch. — A number of district attorneys were removed from office during the autumn under a ruling of the attorney-general that the retention of such an office was incompatible with candidacy for an elective office, or with active participation in party politics.

**CONGRESS.** — The adjournment of Congress was reached, June 11, the earliest date of closing for a "long session" in thirty years. Little **general legislation** of importance was completed. In addition to those mentioned in the last RECORD the following acts include all that were of general interest: Repeal of the provision of the tariff law under which a rebate of duty was allowed on alcohol used in the arts; imposition of a tax on the manufacture and sale of "filled cheese"; prohibition of divorce in a territory to any applicant having less than a year's residence therein; modification of the customs administrative law so as to expedite the delivery of small packages imported; restoration to the Mormon Church of the property taken from it at the dissolution of the corporation. — The total of **appropriations** for the session amounted to $515,759,820.49. In the principal bills the amounts were as follows: Army, $23,278,402.73; fortifications and ordnance, $7,397,888; legislative, executive and judicial, $21,518,834.71; navy, $30,562,739.95; pension, $141,328,580; post-office, $92,571,564.22; river and harbor, $12,621,800; sundry civil, $33,031,152.19. Two of the appropriation bills were vetoed by the president, — the River and Harbor Bill, May 29, on the ground that it tended to paternalism and extravagance; and the General Deficiency Bill, June 6, through disapproval of items to satisfy the French Spoliation and other claims. The River and Harbor Bill was promptly passed over the veto, by 220 to 60 in the House and 56 to 5 in the Senate; but on the other measure the veto was sustained in the House by 170 to 39, and the objectionable items were accordingly dropped. The Navy Appropriation Bill provided for three new battleships. In the Indian Bill a provision was inserted, after a long controversy between the two houses, terminating the policy of financial assistance to sectarian Indian schools. — Of measures that made only partial progress the following were of the greatest importance: A national Bankruptcy Bill and a project to establish an educational test for immigrants — passed by the House only; a bill providing for jury trial in certain kinds of contempt of court, and one prohibiting the issue of interest-bearing bonds without the consent of Congress — passed by the Senate only.

**THE FEDERAL JUDICIARY.** — The following cases have been decided by the Supreme Court of the United States. May 18, Plessy *vs.* Ferguson: Held, that the statute of Louisiana requiring railway companies to provide separate coaches for white and for colored passengers, is a constitutional exercise of the police power of the state, and does not abridge

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the equal rights of citizens of the United States. R. R. Co. *vs.* Illinois: Held, that a state law, when so applied as to require a fast-mail train, carrying interstate passengers, to run seven miles out of its route in order to stop at a station for which ample facilities for travel are otherwise provided, is an unconstitutional obstruction of interstate commerce. May 25, United States *vs.* Realty Co. and United States *vs.* Gay: Held, that the Sugar Bounty Act of 1895 (*cf.* RECORD for December, 1895, p. 737) appropriated money for the discharge of an equitable obligation, and was therefore a constitutional exercise of Congress's power to pay the debts of the United States. Sheriff *vs.* Race Horse: Held, that the clause of the treaty between the United States and the Bannock Indians, by which the latter were entitled to kill game on unoccupied lands, was repealed by the act admitting Wyoming as a state on an equality with the other states, and that therefore the Indians were subject to the game laws of Wyoming (see last RECORD, p. 376).

**THE PRESIDENTIAL NOMINATIONS.** — **The Republican National Convention** was in session at St. Louis, June 16–18. Before it assembled the course of affairs in the state conventions had indicated very clearly that Mr. McKinley would be the candidate for president and that the platform would declare against the free coinage of silver. On the 18th the platform committee made its report, embodying this plank on the currency: "We are . . . opposed to the free coinage of silver except by international agreement with the leading commercial nations of the world, which we pledge ourselves to promote, and until such agreement can be obtained the existing gold standard must be preserved." A separate vote on this plank resulted in its adoption by 812½ to 110½, whereupon thirty-four delegates, headed by Senator Teller, of Colorado, formally withdrew from the convention. The "bolters" included the entire delegations of Colorado and Idaho, with representatives of Montana, Utah, South Dakota and Nevada. A single ballot sufficed to nominate Mr. McKinley for president, the vote standing: McKinley, 661½; Reed, 84½; Quay, 61½; Morton, 58; Allison, 35½. For vice-president Garrett A. Hobart, of New Jersey, was nominated on the first ballot, receiving 533½ votes, while his nearest competitor, Evans of Tennessee, received only 277½. In addition to the currency plank mentioned above, the platform contained strong demands for protection and reciprocity, "twin measures of Republican policy"; declared that the United States ought to control Hawaii, to own the Nicaragua Canal, to purchase the Danish Islands in the West Indies, to protect at all hazards Americans in Turkey, to prevent European encroachments in America and to use "influence and good offices" for the peace and independence of Cuba; approved the civil service reform and the exclusion of immigrants who can neither read nor write; and condemned lynching. Mr. McKinley, who before the convention had carefully refrained from any definite public declaration of his opinions on the currency question, afterward strongly endorsed the platform on

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this point, and in his formal letter of acceptance, August 26, gave to the free-coinage issue the principal place in his argument. — The relatively smooth working of the Republican Party machinery was in sharp contrast with the revolutionary outcome of **the Democratic National Convention** at Chicago, July 7–11. The course of the state conventions during June had rendered it certain that a considerable majority of the delegates to Chicago would favor free coinage. No efforts of the Eastern gold leaders could stem the tide. On June 16 President Cleveland issued an appeal to the Democrats against free coinage, at the same time declaring that he himself wished to be only a private in the ranks of the party. But when the convention assembled, the silver men rejected all overtures looking to moderate measures, put extreme men to the front in both the temporary and the permanent organization, and through the control of the committee on credentials so decided contested elections as to insure a two-thirds majority for free coinage. The report of the platform committee embodied a currency plank demanding "the free and unlimited coinage of both gold and silver at the present legal ratio of 16 to 1, without waiting for the aid or consent of any other nation," and omitted any endorsement of President Cleveland's administration. A minority report favoring the maintenance of the existing gold standard until the coöperation of other nations could be secured for free coinage of silver, and endorsing the administration, was, after a sharp debate, voted down, the first part by 626 to 303 and the second by 564 to 357. After the adoption of the majority report, most of the anti-silver delegates refrained from any further active part in the proceedings, though there was no formal "bolt." The balloting for the presidential candidate, on the 10th, resulted in the choice of Mr. W. J. Bryan, of Nebraska, on the fifth ballot. Mr. Bryan had not been among those prominently mentioned as candidates, but by his speech in the debate on the platform he had won enthusiastic favor with the silver men. Mr. Bland of Missouri led in the voting at the outset, but on the final ballot the numbers stood: Bryan, 500; Bland, 106; Pattison, 95; Matthew, 31; Boies, 26; not voting, 162. For vice-president the convention, on the 11th, nominated Mr. Arthur Sewall, of Maine, on the fifth ballot. The platform, as adopted, set forth at length the leading tenets of the silver party; denounced the issue of bonds in time of peace, and the "trafficking with banking syndicates" to sustain gold monometallism; demanded that paper circulating notes be issued only by the government; favored a tariff for revenue, and condemned changes in the existing tariff except so far as necessary to overcome the deficit; attributed this deficit to the income-tax decision of the supreme court, and criticised that decision; demanded such control of railroads "as will protect the people from robbery and oppression"; denounced "arbitrary interference by federal authorities in local affairs" and "government by injunction"; opposed life tenure in the public service, and third terms in the presidency; endorsed the Monroe Doctrine, sympathized with the Cubans, and demanded unremitting care for, and improvement of, the Mis-

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sissippi River and other great waterways. Mr. Bryan received the formal notification of his nomination at a great public meeting held in New York city, August 12, and in accepting devoted himself almost exclusively to an extended argument in support of free coinage. His letter of acceptance, made public September 9, gave unqualified endorsement to all the planks of the platform, and announced that, if elected, he would under no circumstances be a candidate for a second term. — The national **convention of the People's Party**, or Populists, met at St. Louis, July 22–25. In view of the prominence which the silver issue had assumed, some effort had been made to commit the Populist leaders to the support of Senator Teller, the bolting Republican; but after the Democratic convention, the proposal to endorse Mr. Bryan's nomination won much favor. The convention, however, contained a large number of delegates who were strongly opposed to coalescence with the Democrats. This fact led to a reversal of the usual order of procedure, and to the choice of a candidate for vice-president first. Through this course the "middle-of-the-road" men, as the extremists were called, succeeded in rejecting Sewall, who was distasteful to them as a "plutocrat" and a national-bank director, and in nominating for vice-president Mr. Thomas E. Watson, of Georgia, an uncompromising Populist. Having gained this advantage the extremists became more conciliatory, and Mr. Bryan was chosen as candidate for the presidency on the first ballot, with no important opposition. Though Mr. Bryan had telegraphed that he would refuse the nomination if Mr. Sewall were not nominated also, he did not adhere to this resolution. The platform adopted was in its financial planks substantially the same as that of the Democrats, though demanding definitely a graduated income tax; in addition it favored government ownership of railroads, telegraphs and postal savings banks, direct legislation through the initiative and the referendum, and election of president by direct vote of the people; but it declared that the financial question was the pressing issue of the present campaign. In notifying Mr. Bryan of his nomination the Populist committee in terms absolved him from endorsing the platform as a whole; and in his letter of acceptance the candidate confined himself to a consideration of the currency issue. Owing to the difference in candidates for the vice-presidency, the Democratic and Populist managers, after failing to effect the withdrawal of either Sewall or Watson in the other's favor, arranged for fusion on the electoral tickets in most of the states, in such way that, while all the electors should vote for Bryan, about two-fifths were pledged to Watson and the rest to Sewall. — At the same time with the Populists the National Silver Party, an organization recently formed for the promotion of free coinage, met in convention at St. Louis and unanimously endorsed the nomination of Bryan and Sewall. — The outcome of the Chicago convention was followed at once by very numerous defections from the Democratic Party. From all the states north of the Potomac and Ohio and east of the Mississippi came declarations of refusal by leading Democrats to support either the platform or the

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candidate put up at Chicago. While some of the "bolters" declared for McKinley, others began at once a consultation as to the policy of a third ticket. On July 13 the Illinois "sound-money" Democrats took the initiative in moving for a new convention. A conference at Indianapolis, August 7, attended by representatives of thirty-five states, decided the matter definitely, and issued a call for a **convention of the "National Democratic Party,"** to be held in that city on September 2. The convention met accordingly, with 824 delegates, representing all the states except Wyoming, Utah, Idaho and Nevada. Ex-Governor Flower of New York was temporary, and Senator Caffery of Louisiana permanent, chairman. The platform adopted denounced the Chicago platform as undemocratic, and arraigned as alike pernicious the financial doctrine enunciated therein and the tariff doctrine of the Republicans. It then declared in favor of a tariff for revenue only, the single gold standard of monetary measure, a bank currency under governmental supervision, arbitration for the settlement of international disputes, and the maintenance intact of the independence and authority of the supreme court; and it strongly endorsed the administration of President Cleveland. As nominees the convention chose, with practical unanimity, for president, Senator J. M. Palmer, of Illinois, and for vice-president, General S. B. Buckner, of Kentucky. The proceedings of this convention received the public approval of President Cleveland and all his cabinet save Secretary Smith, of the Interior. The supporters of the ticket made, however, no pretence of expecting its election, but only aimed to draw to it enough Democratic votes in doubtful states to insure the defeat of Mr. Bryan. — The Prohibition Party, May 27, nominated at Pittsburg Levering and Johnson as its candidates. A proposal to approve free coinage in the platform was voted down, and this result occasioned a "split" and the nomination of another ticket by the minority. The Socialist Labor Party, at New York, July 9, put up on its ticket Matchett and Maguire.

**THE NATIONAL ELECTIONS.** — The voting on November 3 resulted in the triumph of the Republicans and the election of McKinley and Hobart. The latter carried all the states north of the Potomac and Ohio and east of the Mississippi by heavy majorities. West of the Mississippi Minnesota, Iowa and North Dakota went Republican by substantial majorities, and California and Oregon by closer votes. South of the Ohio West Virginia went strongly Republican, and Kentucky gave McKinley a plurality of about 250, with one elector for Bryan owing to mistakes in marking ballots. Of the states carried by Bryan, South Dakota and Wyoming were very close. Tennessee and North Carolina showed great Republican gains, and charges were freely made that the ultimate result in favor of Bryan was reached through fraud in the count. The total electoral vote, as returns stood at the end of this RECORD, would be 272 for McKinley and 175 for Bryan. Of the popular vote, McKinley's plurality was over a million. In Pennsylvania he had 295,000 over Bryan; in New York, 273,000; in

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Massachusetts, 160,000; in Illinois, 144,000; in New Jersey, 86,000. Bryan's plurality exceeded 100,000 only in Texas and in Colorado. The vote for Palmer and Buckner was everywhere insignificant. — The voting for Congress resulted in a Republican plurality of about 70 in the next House of Representatives, with a Populist delegation of thirteen. The Senate seems likely to be very close, with probably a majority opposed to free coinage.

**ELECTIONS FOR STATE OFFICERS.** — The disputed election in Louisiana (see last RECORD) was settled by a compromise under which the Democratic governor was seated without serious opposition; but on the understanding that a new election law should be passed, which should render impossible in the future the frauds which were generally acknowledged to have been committed, and, further, that a constitutional convention should be held as soon as possible, to change the qualifications for the suffrage so as effectually to restrict the black vote. Oregon, June 1, was carried by the Republicans, with considerable gains for the Populists. Alabama, August 3, gave a heavy Democratic majority over a fusion of Republicans and Populists. Vermont, September 1, and Maine, September 14, gave unprecedented Republican pluralities, nearly 40,000 in the former and 50,000 in the latter. On the other hand, in Arkansas, September 6, in Florida, October 6, and in Georgia, October 7, the Democrats won by 52,000, 18,000 and 30,000 respectively. In the voting on November 3 the states that were carried by McKinley quite generally chose Republican state officers. Of particular interest was the defeat of the Democratic Governor Altgeld, who was running for a second term in Illinois, and who had incurred much odium by pardoning the Chicago anarchists. The Bryan states for the most part chose Democratic state officers, though through fusion the Populists in some cases secured the governorship, *e.g.*, in Kansas and Nebraska. — A primary election of the Democratic Party in South Carolina, September 8, to name the party's choice for candidate for United States senator, resulted in the triumph of Judge Earle over Governor Evans. As the latter was the candidate of Senator Tillman, long the leader of the party, the result was regarded as pointing to the decline of the latter's power.

**VARIOUS STATE LEGISLATION.** — The Raines Liquor-Tax Law, which went into full effect in New York in July, produced a revenue fully one-third greater than was anticipated, and is generally regarded as very successful. The number of saloons in the cities was materially reduced by the increase of the license fee, and the restrictions as to Sunday selling were made generally effective, though some opportunities for evasion were found in the special provisions of the law as to hotels and clubs. — An amendment repealing the clause of the constitution of South Dakota which prohibited the sale of liquor was ratified at the November election. — The Illinois Flag-Raising Law, requiring under penal sanction the display of the national colors on schools and other public buildings, was declared unconstitutional, so far as the sanction was concerned, by the circuit court of the

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state, June 26. Laws of similar import have been enacted by a large number of the states during the last two years. — In Louisiana a proposed constitutional amendment establishing a property or intelligence qualification for the suffrage failed of ratification in the April elections. The legislature, in its summer session, enacted an Australian ballot law, and took the preliminary steps towards another constitutional convention to deal with the suffrage question. — A woman-suffrage amendment to the constitution of California was rejected at the November election by 15,000 majority. In Idaho a like amendment received a majority of votes cast on the question, but there was uncertainty as to whether this was legally sufficient for ratification. — At the end of October the New York Court of Appeals declared unconstitutional a law requiring a bi-partisan police board for Albany, on the ground, chiefly, that such a requirement established an extra-constitutional test of eligibility to office. — In Florida the courts in October held unconstitutional the law prohibiting the teaching of whites and negroes in the same school. The ground of the decision was technical and did not touch the subject-matter of the law. — In Illinois the supreme court, November 9, declared the Torrens land-registration act unconstitutional.

**MUNICIPAL GOVERNMENT.** — Through a victory won in the spring elections by the Citizens' League of New Orleans a thorough reform of the government in that city has been effected. A new charter, drafted by the League, was passed by the legislature and went into effect in August. Its provisions embody the ideas most strongly advocated by municipal reformers: A paid city council; single heads of departments, appointed and removed by the mayor; a civil-service commission providing competitive examinations for all non-elective offices; and the sale of all franchises to the highest bidder. — In San Francisco a charter drafted under reform auspices and embodying stringent provisions for excluding political influence in appointments to office was rejected by the voters at the November elections. — In Chicago the first year of work of the civil-service commission which resulted from the reform triumph in April, 1895 (see RECORD for June, 1895, p. 374), was completed in August. The record of its activity shows that it has practically abolished all the evils of the spoils system in appointments to municipal offices. — In accordance with an act of the last New York legislature looking to the consolidation of New York, Brooklyn and a number of suburban districts into a single municipality, a commission has been at work throughout the summer formulating a draft charter for the proposed municipality. The *personnel* of the commission and the results of their deliberations thus far made public indicate that progressive ideas will be manifest in the instrument when completed.

**LYNCH LAW.** — A summary of the lynchings of which reports have come to the attention of the compiler shows the following results: In the South (*i.e.* slave states in 1860), twenty-five negroes and six white men; in the rest of the country, two whites and one half-breed Indian. The offenses

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alleged were among the negroes actual or attempted rape in twelve cases, other crimes in thirteen; among the whites, rape in two cases, other offenses in three; in case of the half-breed Indian, rape. These figures exclude several instances of so-called "race war," in which conflicts between armed whites and armed blacks in considerable bodies resulted in loss of life, generally most serious on the side of the blacks. Incidents of this kind were reported in Florida and in Georgia during July, and in Arkansas in August. Of the whites lynched in the South three were Italians, who were taken from jail and killed by a mob in St. Charles Parish, Louisiana, August 9, under circumstances that recalled the incident at New Orleans in 1891. The prisoners were under charges of murder, the victims in two of the cases having been Italians and in the third an American. It was believed that all the crimes were the work of a Mafia; and when the last occurred, the neighbors of the victim took the assassin from jail, and at the same time concluded, after discussion, that the other two had better be disposed of in the same way. The Italian minister made representations on this matter at Washington, and an indemnity was promised. Louisiana was the scene of the largest percentage of lynchings. That none was reported from South Carolina was attributed to the influence of the law lately enacted there in reference to the subject (see last RECORD, p. 379).

## II. FOREIGN NATIONS.

**INTERNATIONAL RELATIONS.** — Beyond the actions of the powers in connection with Turkish affairs, described below, the general trend of diplomatic relations has been illustrated by the incidents of **the Czar's visit** to the courts of the other great powers. Accompanied by the Czarina, Nicholas II met the Austrian emperor at Vienna, August 27, the German emperor at Breslau, September 5, Queen Victoria at Balmoral, September 22, and entered France at Cherbourg, October 5. The feature of the whole journey was the magnificent ceremony with which the Russian monarch was received and entertained in France, and especially in Paris. His presence was made the occasion of most impressive popular festivities, and every means was employed to emphasize the cordial relations between the two nations. The German emperor appeared scarcely less eager in courting the Czar's favor, and the whole press of Europe has been busily engaged in earnest but quite untrustworthy interpretations of every incident of the journey as bearing on possible developments in international politics. In connection with this discussion Prince Bismarck's newspaper organ, the *Hamburger Nachrichten*, published, October 26, an article revealing that from 1884 to 1890 Germany had a secret treaty with Russia, in which each agreed to remain neutral in case the other should be attacked by a third power. This revelation, indicating that Bismarck had not allowed his participation in the Triple Alliance to interfere with the maintenance of an understanding

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with the Czar, caused a considerable sensation throughout Europe. — In the field of **commercial relations**, two incidents are worthy of record. During the summer, in consequence of a concession by the Spanish Cortes, the tariff war between Spain and Germany (see this QUARTERLY, vol. ix, p. 772) was brought to an end. On September 30 a treaty was signed between Italy and France, as protector of Tunis, by which the tariff discriminations against Italian goods imported into Tunis were abolished. In consideration of this, Italy abandoned the exemption of her subjects from the jurisdiction of the French courts in Tunis. The importance of the treaty lies in the fact that in it Italy recognizes the French protectorate over Tunis, and thus a long-standing source of irritation between the two nations is removed.

**TURKEY AND THE CHRISTIANS.** — The internal condition of the Sultan's dominion has not improved during the period under review. **The slaughter of Armenians** has been almost continuous, with three episodes of particular prominence. At the city of Van, in the latter part of June, a demonstration by Armenian revolutionary agitators was promptly followed by the massacre of some 1200 Armenians and the destruction of great quantities of property by fire and pillage. More attention was attracted by the affair at Constantinople in August. On the 26th a concerted demonstration by Armenian agitators was made in various parts of the city. Most of the outbreaks were readily suppressed by the police. But at the central point of the affair was a band of some twenty-five conspirators, who, provided with fire-arms and dynamite, seized by force the Ottoman Bank, held its employees as hostages, and maintained for many hours a brisk conflict with the troops which quickly surrounded their stronghold. Through foreign officials the adventurers, who threatened to blow up the building, were at length induced to leave on guarantee of their personal safety. But for their fellow-countrymen in the city no such security was possible. As soon as the news of the exploit got abroad a general movement of the Mohammedan populace against all Armenians began, and for several days the whole city was a scene of slaughter and plundering. While the work was largely carried on by the lower classes of Turks, charges were freely made and evidence offered that government officials gave direction and organization to the mobs, and that the troops were not seriously used for the suppression of the disorders. Quiet was restored only after very energetic representations to the Porte by the ministers of the powers. It was estimated that over 2000 Armenians were killed by the rioters; and afterwards, through the proceedings instituted by the authorities for rooting out the revolutionary agitators, many more suffered legal punishment, and thousands went into voluntary or involuntary exile. In the middle of September a third slaughter on a large scale was reported from Armenia, the town of Eguin on the upper Euphrates being destroyed and a thousand of its people killed. A number of minor incidents of this character were attributed to the discontent and real misery of the Turkish soldiery who

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occupy the country, and who, owing to the Porte's financial difficulties, have in many cases neither pay nor supplies. — As to the relations between **the powers and the Porte** on the Armenian question, no evidence has appeared of a change in the status established at the very beginning of the difficulty. Russia, supported by the Continental powers, refuses either to unite in joint action or to permit isolated action beyond diplomatic pressure for general administrative reforms. During the riots at Constantinople the apparent danger of a general massacre of Christians brought the six powers together in a peremptory demand upon the Porte for the suppression of the disorder, and joint notes of August 31 and September 15 alleged in emphatic terms that the rioters had had official support. This allegation the Porte denied, laying all responsibility for the disturbance upon the Armenian revolutionists. During September a vehement agitation, through public meetings and the press, arose in Great Britain for decisive action against the Sultan. Mr. Gladstone, in frequent letters and in a fiery address before a great meeting at Liverpool, September 24, denounced Abdul Hamid as "the great assassin"; and this cry was taken up by many of the Liberal leaders. The ministry and its supporters opposed to the agitation the plea that action by Great Britain alone would precipitate a general European war. A similar agitation, though on a much smaller scale, developed in Germany and elsewhere on the Continent, but it was stoutly opposed by the governments and the influential press. During the first week in November the Sultan, stimulated apparently by a speech of the French minister of foreign affairs in which joint action by the powers was distinctly threatened, issued orders for the execution in Constantinople and Asia Minor of a number of reformatory measures which the ambassadors had long been urging in vain. At the same time, to relieve the financial straits of the government, a poll tax was levied on the Mohammedan population, in the form, however, of a voluntary subscription. — Toward the end of May the perennial tension between **Christians and Moslems in Crete** developed into civil war, and introduced a new element of confusion into Turkish affairs. Discontented with the government's refusal to summon the legislature as required by law, and probably influenced by Greek revolutionary agitators, the Christians in various places attacked the Turkish garrisons. The Mohammedans of the towns promptly took up the cause of their co-religionists, and the usual savagery of race and religious warfare manifested itself throughout the west of the island. Heavy bodies of troops were hurried to the scene by the Porte, while many volunteers and supplies in considerable quantities came to the Christians from Greece, where popular sympathy for the insurgents was strong and demonstrative. The European powers busied themselves from the outset in restraining the excesses of the conflict, on the one hand making energetic representations to the Porte against the ferocious proceedings of the ill-disciplined and unpaid soldiery, and on the other hand requiring the Greek government to repress the movements of its subjects in support of the insurgents. Upon the begin-

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ning of serious fighting the Sultan promptly called together the Cretan assembly; but this step failed to calm the tumult, and the Christian leaders demanded further reforms and guarantees for the redress of grievances before resuming their political functions. Even the appointment by the Porte of a Christian governor in June did not satisfy the Christians. Finally, after the usual diplomatic delays, the Sultan about the middle of August signified his consent to a scheme of reforms presented by the powers. With the promulgation of this scheme in September the disorders died out. The agreement amounts to a new constitution for Crete, important features being as follows: a Christian governor, with a five-year term, and endowed with both civil and military authority; offices to be filled by Christians and Mohammedans in the proportion of two to one; a general assembly, elected and meeting biennially; an independent judicial system; and an equal division of the customs revenue between Crete and the Porte. All the provisions were put under the guarantee of the powers, and at the end of this RECORD the diplomats were engaged in urging the Sultan to carry them into execution. — The trouble in Crete and the incidental excitement in Greece stimulated insurrectionary movements in Macedonia in July. Bands of Greeks entered this province and skirmished with the Turkish troops; and at the same time Bulgarian agitators emulously stirred up disorder on the northern frontier. None of these enterprises, however, assumed great importance. — In the district of the Hauran, in Syria, the Druses have throughout the period carried on a more or less successful struggle against the Turkish forces.

**THE TRANSVAAL AND GREAT BRITAIN.** — The tension between the Transvaal and the British government remained great during the first half of the period under review, but gradually relaxed as the final decisions were reached in the matters connected with last winter's exciting collision. The members of the Reform Committee who were in the hands of the Boer authorities were ultimately all released on paying fines and promising not to take part in Transvaal politics. In case of the four leaders who were originally condemned to death, the fine of each was fixed at £25,000. Col. Rhodes, brother of the former premier of the Cape Colony, declined to give the pledge to abstain from politics and hence was banished for life. In England Dr. Jameson and five of his companions in the raid were convicted in London, July 28, of violating the Foreign Enlistment Act, and were sentenced to various terms of imprisonment, without hard labor. Jameson's term was the greatest — fifteen months. In the Cape Colony a legislative select committee, after investigation of the Transvaal raid, reported, July 22, that Mr. Cecil Rhodes, when premier of the colony, directed and controlled the preparations for the affair, though unaware of Jameson's intention to move at the time he did. One other director of the South Africa Company, the committee found, was associated with Mr. Rhodes in the plot, and the company's treasury supplied the funds for the enterprise. The finding of this committee coincides with other evidence,

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including the statements of members of the Reform Committee, in establishing the fact that, while a revolution had been planned at Johannesburg, which Jameson was to aid in case of need, the latter's actual invasion of the Transvaal was premature, and found the conspirators at Johannesburg unprepared to perform their part. A select committee was appointed by the British government during the summer to investigate all the affairs of the South Africa Company. In view of the revelations as to the connection of Mr. Rhodes with the raid, the directors revoked all the special authority which he had possessed in managing the company's affairs. The government of the Transvaal was early in the summer evidently very suspicious of all things British, and devoted considerable energy to the procurement of arms and war material. A better feeling seemed to prevail later in the season, and the Volksraad enacted measures of a conciliatory nature in respect to the *uitlanders*, particularly one providing for the education of their children in the language of their parents.

**THE ANARCHISTS.** — In Spain a resumption of activity by the sectaries at Barcelona was signalized by the explosion of a bomb thrown at a religious procession, June 7. Eleven persons were killed and forty wounded. Isolated outrages by dynamite were reported from various parts of the kingdom. A large number of arrests were made, but no one has as yet been convicted of the Barcelona offense. In August the Cortes passed a law making crimes committed by means of explosives triable by court-martial, authorizing the banishment of any one professing to be an anarchist, and increasing the penalties for participation in, or connection with, anarchist outrages. — On the 13th of September, at the instance of the British police, two Irishmen were arrested at Rotterdam and one at Boulogne on charge of being concerned in a dynamite plot against the royal family in England. An individual in Glasgow was also arrested as concerned in the conspiracy. No authentic information was divulged concerning the plans of the plotters, but unusual precautions were taken to guard the royal family and the public buildings, especially during the visit of the Czar. Ultimately the Rotterdam prisoners were released, as was Tynan at Boulogne. The extradition of the latter was demanded by Great Britain, on the charge of complicity in the Phœnix Park murder in 1882; but the demand was refused by the French government. The Glasgow suspect was held on the charge of having explosives in his possession. — At the fourth International Socialist Trade Union Congress, which met at London, July 27, a test of strength on the question of admitting delegates holding anarchistic views resulted in their exclusion by a vote of 203 to 104.

**GREAT BRITAIN AND IRELAND.** — **Parliament** remained in session until August 14. On one of its leading measures, the Education Bill, the government came to grief. The bill passed its second reading, May 12, by 423 to 156, all the Irish factions supporting it on account of its aid to the voluntary schools and its encouragement of religious instruction. The Liberal opposition to it was so vigorous, however, that on June 22,

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after eleven days of debate in committee, Mr. Balfour admitted that it could not be put through in the time allotted to the session without resort to "closure by compartments" — a device which he declined to employ. Accordingly the bill was abandoned, with the promise that a new one on the same subject should be brought in next January. The Agricultural Rating Bill reached its final passage in the Commons, July 1, the decisive vote standing 292 to 140. The Irish Land Bill passed its third reading in the Commons, July 29, the Irish factions supporting it as facilitating purchase and embodying an installment of justice to tenants. In the House of Lords a number of far-reaching amendments were carried in the interest of the Irish landlords, and considerable friction developed between the two houses. On August 13, however, the opposition of the Lords was overcome and the bill was finally passed. Other important measures that became law were the Diseases of Animals Bill, prohibiting the importation of foreign cattle; the Coal Mines Regulation Bill, aiming to prevent explosions; and the Light Railways Bill, promoting the construction of such roads in the agricultural districts. The Deceased Wife's Sister Bill was carried rather unexpectedly in the House of Lords, June 22, by 142 to 113. It did not come before the Commons. — The period under review has presented some important incidents in the internal affairs of **the Liberal Party**. The support given by the Irish Nationalists to the Education Bill stirred up intense indignation among the nonconformists in May. Leading preachers and periodicals of the dissenting sects claimed that by this action of the Nationalists the alliance with the Liberals was ended, and declared that Irish home rule could no longer be a feature of Liberal Party policy. On the 6th of October Lord Rosebery announced his formal retirement from the leadership of the Liberal Party. He had never had the hearty support of the whole party, either chiefs or rank and file. But the immediate occasion for his retirement he declared to be his inability to adopt the view as to Great Britain's policy in the Eastern question which was held by a large number of Liberals and which had just been set forth by Mr. Gladstone in his Liverpool speech (see above). No step toward the formal choice of a successor to Lord Rosebery was taken. — In the field of **Irish affairs** several important incidents are to be recorded. On August 13 the home secretary announced the release from prison of four Irish agitators who were undergoing life sentences for complicity in dynamite plots in 1883–84. The ground assigned for the release was the hopeless illness of the prisoners. An agitation for the pardon of these dynamiters had long been carried on, but up to that time had been firmly opposed by both Liberal and Conservative ministries. — A final report of the royal commission on the financial relations between Great Britain and Ireland was published September 5. The thirteen commissioners are practically unanimous in the conclusion that since the Union Ireland has carried a burden of taxation relatively greater than Great Britain, and hence unjust; that with a taxable capacity of not more than one-twentieth, Ireland

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has contributed one-eleventh of the revenue. — In a strenuous effort to secure once more some degree of cohesion among the Nationalists, a "Convention of the Irish Race" met at Dublin September 1–3. Delegates were present from the United States, Canada, Australasia and South Africa, as well as from Great Britain and Ireland, and the foreigners labored diligently for a restoration of harmony among the factions. No important results followed, however, as the Parnellites and Healeyites, though strongly urged to be present, refused to have anything to do with the convention, and denounced it as the mere scheme of a faction to win financial support for a discredited leader (Dillon).

**THE BRITISH COLONIES AND INDIA.** — In **Canada** the general elections for the Dominion parliament took place June 23, and resulted in a decisive victory for the Liberals for the first time since 1878. The Manitoba school question played a prominent part in the campaign, though the province of Quebec, where the hierarchy issued a formal mandate to Catholics to support the Conservatives, showed heavy Liberal gains. Sir Charles Tupper and his Conservative cabinet, without meeting the parliament, resigned July 8, and were succeeded at once by Mr. Wilfred Laurier and a Liberal ministry. A session of the new parliament was held August 19–October 5, for the transaction of routine financial business exclusively. Mr. Laurier's majority in the House of Commons was about forty. In November a tariff commission appointed by the government began a series of inquiries in different cities in the Dominion with a view to the framing of a bill for the reduction of duties. — At the meeting of the **Newfoundland** legislature in June an extraordinarily reassuring condition of the finances was announced by the governor. A surplus of $200,000 appeared in the report, and the credit of the government was high. In view of these facts it was proposed to increase the appropriations for highways and education, which, with all other expenses, had been reduced to an uncomfortable minimum. — During May and June the parliaments of all **the Australasian colonies** began their regular sessions. The revenue returns indicated a permanent recovery from the financial depression of recent years. In New South Wales the government announced a radical program of legislation, including a project for the referendum, and a reform of the Legislative Council (the upper house of parliament) by the payment of members and the abolition of life tenure. The referendum bill was passed by the assembly, but was rejected by the council. In South Australia also the establishment of the referendum was proposed by the government, as well as the election of ministries by popular vote. The assembly of Victoria passed in November bills establishing woman suffrage and abolishing plural voting. As to the question of federation, Queensland and West Australia, the two colonies which failed last year to pass the enabling act for the constitutional convention, took up the subject in the current sessions, but had reached no definite conclusion at the end of this RECORD. The Queensland bill deviated from the project

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agreed to at the conference of premiers last year (see RECORD for June, 1895, p. 378) in providing that the delegates to the convention should be elected not by the people, but by the Legislative Assembly; and West Australia followed this example. — In **India** strong protests were elicited from both the government and the press by the resolution of the British government to put upon the Indian budget most of the expense of a detachment of Indian troops which was sent to Suakin to support the movement on the Nile against the Dervishes. The ministry persisted in its policy, but Mr. Balfour made certain pledges tending to restrict and render more equitable similar actions in the future.

**FRANCE. — The Chambers** were in session from May 28 to July 11, and reassembled for the winter session on October 27. Of the work of the summer that which excited most interest was the discussion of the Méline cabinet's proposition for direct-tax reform, presented by M. Cochery, the minister of finance, early in June. The chief features of the scheme were a tax on *rentes*, an increase of the tax on houses, and a tax based on rent, servants and horses. The plan was reported favorably from the budget committee, but after some debate in the Chamber was laid over until autumn. In connection with the discussion a Radical counter-project of a progressive income tax was rejected by 283 to 254. Beyond the routine acts the only important measure that became law was that providing for the annexation of Madagascar as a colony. When the Chambers reassembled in October, it was announced that the proposed tax on *rentes* had been abandoned. — Far more than in any matters of domestic policy was French political interest centered in the events that related to the Russia *entente* — the coronation of the Czar and his visit to the Western states (see above).

**GERMANY. — The Reichstag** remained in session till July 2. All the government's important measures referred to in the last RECORD were passed. That directed against unfair competition became law May 27. Under its provisions new legal remedies are given to a tradesman who is injured by a rival through false weights and measures, lying advertisements or commercial slander, and some forms of such "unfair" methods are made penal. The Bourse Bill was passed June 6, with the anti-option clause noticed in the last RECORD. This law, which goes into effect January 1, 1897, establishes a rigid governmental supervision of all stock and produce exchanges in Germany, and provides extensive regulations in regard to the listing and quoting of securities. The prohibition of speculative contracts in grain, and to some extent in securities, caused German firms to transfer to other countries their business in these lines; and to counteract this the Reichstag, on the motion of an Agrarian, passed a resolution requesting the government to open negotiations with foreign governments looking to international measures for the suppression of the business. A bill of Agrarian origin for the restriction of the oleomargarine business was passed by the Reichstag on July 2, but was rejected by the Bundesrath. Of all the measures of the session the Imperial Civil Code attracted the

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greatest attention. It passed its third reading in the Reichstag July 1, by a vote of 222 to 48, and will go into effect January 1, 1900. As adopted the code is substantially the same as when laid before the house. The bill for the reform of the sugar tax, involving an increase of the export bounty, was adopted in May, after a sharp contest, by 144 to 124. — **The Prussian Landtag** ended its session June 20. Besides the routine financial legislation and a few measures for the benefit of the agricultural regions, no business of importance was concluded. The government's leading measures, regulating the appointment of judges and the salaries of school-teachers, and reorganizing chambers of commerce, all failed to pass. — Two important **cabinet changes** took place during the summer. At the beginning of July Baron von Berlepsch, Prussian minister of commerce, retired, and was succeeded by Herr Brefeld. Von Berlepsch has been regarded as the leader in the policy of social amelioration through governmental action which was inaugurated by the emperor in 1890 (see this QUARTERLY, vol. v, p. 380), and the minister's retirement was construed as an indication that the imperial favor had been withdrawn from the further development of this policy. In the middle of August the resignation was announced of General Bronsart von Schellendorff, Prussian minister of war. Ill health was assigned as the cause; but the press very generally insisted that the retirement was due really to friction between the minister and the chief of the emperor's "military cabinet," the personal council of his Majesty. It was feared that the incident portended the failure of a scheme of reform in the administration of justice in the army — a reform that had been promised by the minister; such a project was, however, presented to the Bundesrath in October. Lieutenant-General von Gossler succeeded to the ministry of war. — A number of Social-Democratic leaders who were arrested for violation of the anti-socialist laws were convicted in May, but punished only by light fines. On June 28 Prince Hohenlohe announced that these laws, so far as they related to political associations, were to be modified or repealed. In midsummer the minister of war issued two decrees directed to the repression of the socialistic propaganda in the army. Privates and sub-officers were forbidden to attend meetings not officially approved; to participate in any manifestations, such as songs or cries, "of a revolutionary or Social-Democratic character"; to possess or circulate literature of such character; or to engage in the circulation of any printed matter whatever at the instance of any person in civil life.

**AUSTRIA-HUNGARY.** — **Legislative activity** of importance at Vienna was limited to the adoption of the Electoral Reform Bill, without debate, by the House of Peers, May 28, and the enactment of a law, prompted by the corresponding act of the German legislature, to increase the tax and the bounty on sugar. The Reichsrath reassembled from its summer vacation on the first of October, but only routine business was taken up, as a dissolution is expected, in order to hold elections under the new law. At Pesth

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the chief work in the Hungarian parliament was the passage by the lower house, at the end of June, of a bill directed against the influence of the clergy in elections, providing severe penalties for attempts to exert pressure on voters by means of ecclesiastical or religious authority. This bill was aimed particularly at the People's Party, which was organized under clerical auspices during the struggle over the Civil Marriage Act, and which has since become an important factor in politics. — Elections for the lower house of the Hungarian parliament were held at the end of October. Much disorder attended the canvass, especially in regions where the People's Party was active, and large numbers of troops were employed in preserving the peace. The result of the elections was an increased majority for the moderate Liberals who now control the house and the government. The People's Party returned only twenty members — a number quite insignificant as compared with the commotion the party had caused. — It was announced in the middle of July that the committees of conference on the renewal of the *Ausgleich* between the two monarchies had agreed on all the points involved except that touching the quotas of financial contributions. Further discussion of this was postponed till the autumn. — The opening of a navigable channel through the Iron Gates of the Danube was celebrated with imposing ceremonies September 27. The Emperor Francis Joseph and the kings of Servia and Roumania took part, and the event was regarded as likely to strengthen Austrian influence in the lesser kingdoms.

**ITALY. — The parliament** remained in session until July 22. On May 30, in connection with the debate on the budget of the interior, Premier di Rudini, after announcing a purpose of administrative reform in terms that reflected on the practices of his predecessor, carried a vote of confidence by only three majority. A very large number of deputies abstained from voting, and this fact seems to have been regarded as a sufficient warrant for the cabinet's retaining office. An important step in administrative and political reform was involved in the measure adopted by the Chamber of Deputies July 7, making elective the syndics, or mayors, of all the communes. Hitherto in all communes except the more important towns these officers have been appointed by the government, and the places have constituted a conspicuous element in the patronage of the deputies and have played an important part in parliamentary corruption. Of the other work of the session the government's Sicilian policy held the first place. On July 11 the Chamber, by a large majority, approved the ministry's confessedly illegal action in placing Sicily under the administration of a single civil commissioner (see last RECORD). In the debate on this subject the Marquis di Rudini outlined an extensive scheme of economic and fiscal reform which he proposed to carry out in Sicily. Certain minor items in this scheme (*e.g.* the abolition of the export duty on sulphur) were at once introduced as bills and were carried before the adjournment. The preference given to these measures over an important bill, already passed by the Senate, for the reorganization and numerical reduction of the army, caused

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the resignation of General Ricotti, the minister of war. This led to a **reconstruction of the cabinet** July 14, with some further changes in its *personnel*, Visconti Venosta assuming the ministry of foreign affairs and Luzzatti that of the treasury.

**SPAIN AND CUBA.** — **The situation in Cuba** has continued to be the key to Spanish politics. From June to September, while the wet season lasted, military operations in the island were of merely a desultory character. In addition to the *trocha* west of Havana (see last RECORD) the Spanish commander constructed one much longer, but apparently less effective, from Moron to Jucaro, to hold the main Cuban army, under Gomez, in the eastern provinces, Puerto Principe and Santiago. The insurgents were occupied during the summer in accumulating arms and munitions. A number of filibustering expeditions from the United States and from other neighboring countries succeeded in landing these supplies, despite the vigilance of the Spanish vessels. Governor-General Weyler, on his side, sought by various drastic measures to alter certain conditions which aided his enemies. In May he absolutely prohibited the exportation of tobacco, and in July the exportation of fruit. The purpose was to destroy lines of business in which many Cuban sympathizers were engaged, and which thus served indirectly as a source of revenue to the insurgents. On August 20 a decree was issued ordaining the compulsory circulation at par of a large issue of notes put forth by the Spanish bank at Havana under authority of the government. This was followed by so complete a paralysis of business that on September 25 the decree was modified and the stock exchange was permitted to quote the premium on gold. During September and October heavy reinforcements were sent from Spain to Cuba, and in the first week of November General Weyler took the field in person to direct a large force in an effort to annihilate Maceo's isolated army in Pinar del Rio. — The enormous expense of the war in Cuba made the question of the finances dominant in the session of **the Cortes** at Madrid, May 11 to September 7. The address from the throne at the opening of the session dealt largely with the insurrection, holding that the rebels alone were responsible for the failure of the government's purpose to institute extensive reforms in the administration of the island. On June 20 Signor Navarro Reverter, minister of finance, introduced the budget. By economies in administration and by readjustments in the taxes, including the monopolizing of the sale of salt, he looked to a small surplus in the ordinary finances. But to provide for the great extraordinary expense of new ships and war material he had recourse to loans, secured by a prolongation of the tobacco monopoly and by a pledge of the revenue of the state quicksilver mines of Almaden. These loans, producing respectively 60 and 104 millions of pesetas, were sufficient only for immediate necessities. To provide for the outlays incident to a prolongation of the war beyond the summer another loan had to be contemplated. As prerequisite to this, it was considered desirable that certain foreign financiers who were interested in Spanish rail-

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ways should be placated by the prolongation of their franchises till 1980. The bills necessary to carry out all these credit operations were introduced by the government early in the summer, but met with a stout resistance from the opposition. Not till word was received of the revolt in the Philippines (see below) did the obstructive tactics yield to considerations of patriotism. The bills were passed in the last week of August, amid many protests against the severe terms exacted by the government's creditors. Upon the adoption of the bill dealing with the railways the Carlist Party formally withdrew in a body from the parliament. The government was authorized to negotiate a loan of 1000 million pesetas (about $200,000,000 in gold); but despite the concessions to the railways the attempt to procure the money from foreign capitalists failed, and on the first of November it was announced that 400,000,000 would be subscribed by Spanish bankers, on a guarantee of the customs. — An insurrection of natives, with many foreigners and half-breeds, against the Spanish in the Philippine Islands, broke out about August 20. Fighting has been in progress there ever since, and the much-tried resources of the government have been taxed to send thither the military reinforcements that are urgently demanded. Up to the end of this RECORD no evidence had appeared that the Spanish authority was regaining its ground.

**RUSSIA. — The Coronation of the Czar,** Nicholas II, took place at Moscow, May 26, with the customary pomp and ceremony. The festivities connected with the event extended over two weeks, and were participated in by representatives of all the great nations of the earth, as well as by a million or more of Russian subjects. On the 27th an imperial manifesto was issued proclaiming amnesty for a large number of offenses and considerable remissions of taxes. On the 30th, during the free distribution of food to the people, a panic arose in the crowd, estimated at half a million in number, and before order was restored several thousand persons had been crushed to death or seriously injured. — A commission was appointed in July to make a general investigation of the existing legislation with reference to the Jews, with a view to its revision. — An incident unusual to Russia was a widespread **strike of factory operatives** at St. Petersburg, lasting from April to the middle of July. No disturbance of the peace occurred, but the method and duration of the strike manifested a surprising degree of organization and an abundance of financial resources. The secret agency of foreign agitators was suspected, but if anything of the sort was discovered by the police, no information on the point was made public. It was reported that secret printing establishments had been detected, from which the various "calls" to the strikers were issued. No incitement to violence was contained in these documents. The strike seems to have worn itself out by the middle of July. — Prince Lobanoff-Rostowsky, minister of foreign affairs, died suddenly, August 30, on a railway train in which he was traveling with the Czar from Vienna to Kieff.

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**MINOR EUROPEAN STATES.** — On June 19 the government of Belgium announced the withdrawal of the long-standing proposal looking to the transfer of the Congo State by King Leopold to Belgium. The project had been under consideration of a committee of the legislature, but the opposition to its acceptance had been strong. Elections for the Chamber in July resulted in slight gains for the Clericals at the expense of the Liberals, the Socialists just holding their own. — The States-General of **the Netherlands** passed during the summer a law for a moderate extension of the suffrage. It went into effect in September. — The politicians of **the Balkan States** busied themselves much during the summer with schemes of a confederation — for mutual defense, it was claimed; but the possibility of a partition of Macedonia, if Turkey should fall, was very obviously in the minds of the schemers. At the end of June the Prince of Montenegro visited Belgrade, and the Servian press at once proclaimed that the first step in confederation had been taken. Prince Ferdinand of Bulgaria found troubles at home that modified any zeal he may have felt for entangling alliances with his neighbors. Seeking in August to rid himself of his anti-Russian minister of war, Petroff, he was obliged at last to retain the objectionable adviser, for the reason that powerful officers in the army supported the minister as their chief bulwark against supersession by other officers, who, after having been exiled for pro-Russian plotting, had returned and were clamoring for reinstatement in their old ranks. The whole movement for Balkan union is based on Russophil and anti-Austrian ideas.

**AFRICA. — The Anglo-Egyptian expedition** against the Mahdists reached its provisional goal in the middle of September. A sharp fight at Ferket, June 7, resulted in a defeat for the Dervishes. During the summer the expedition rested, awaiting the arrival of steamers with the high water. At the end of August the further advance began, and on September 20, after another defeat for the Dervishes at El Hafir, the steamers seized Dongola without further resistance, capturing or destroying great quantities of stores. Lord Salisbury, in a speech in Parliament, June 13, declared in substance that the ultimate objective of the southern movement was Khartoum and the extinction of the Mahdist power. After the capture of Dongola, however, no further advance was made, and most of the British troops returned to Cairo. The Mixed Tribunal at Cairo decided, June 8, that the application of reserve funds to the expenses of the expedition was illegal, except with the special consent of all the powers represented on the public-debt commission. This decision, which embodies the contention of France and Russia (see last RECORD, p. 381), was appealed from by the representatives of the other powers. — **The native insurrection in Rhodesia** remained unsubdued throughout the summer. Late in August an agreement for peace was made with the insurgents near Buluwayo, largely through the agency of Mr. Cecil Rhodes, who devoted himself to fighting the insurgents all the time that his connection with the Jameson raid was under investigation elsewhere. This agreement was later confirmed by Earl Grey, the

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chief officer of the territory. Further to the northeast, however, about Fort Salisbury, the conflict with the natives lasted longer, and had not entirely terminated at the close of this RECORD. — A little **trouble in Zanzibar** was occasioned by the death of the Sultan, August 25. The throne was at once seized and the palace fortified by a relative of the deceased, Said Khalid, whom the British government, which has a protectorate over Zanibar, did not approve. As the usurper refused to give up his position, British war-ships bombarded and destroyed the palace, August 27, and set up Hamoud as sultan. The defeated aspirant took refuge in the German consulate and was spirited away to German territory by a war-vessel. — The retirement of the Italians from Abyssinian territory was effected late in May. After long negotiations a definitive treaty between Abyssinia and Italy was concluded, October 26, in which the latter abandoned its protectorate over the former, and King Menelik agreed to release the prisoners whom he had captured at Adowa.

**THE ORIENT.** — A ministerial crisis in **Japan** at the beginning of September resulted in the retirement of the Marquis Ito, the prime minister, and Count Itagaki, minister of the interior. After some difficulty a new cabinet was formed by Count Matsukata, who was said to be committed to a policy of retrenchment which, while relieving the existing financial strain, would be likely to offend the popular sentiment in favor of an increased military and naval establishment. An insurrection of the natives in Formosa was crushed by the Japanese forces in July. — As to **Corea** it was reported in September that an agreement had been reached by Russia and Japan establishing some sort of joint protectorate, resembling that maintained by China and Japan before the late war. — The affairs of **China** have attracted attention only indirectly, through the journey of the Viceroy Li Hung Chang through Europe and America. Having attended the coronation of the Czar and received marked courtesies from the Russian government, the Chinese statesman visited Berlin, Paris, London and some of the minor capitals. Everywhere he was received with strong manifestations of official and popular interest and respect. The same was true in the United States. Rumor was busy with suggestions as to political significance in his visits; but all that became certain in this respect was that he asked of Great Britain a modification of the existing treaty so as to permit an increase of the Chinese tariff. In October it was announced that on his return to his home he had been summoned to the chief position in the administration of foreign affairs at Pekin.

**LATIN AMERICA.** — The government of **Venezuela** indicated in May its willingness to pay the indemnity demanded by Great Britain in connection with the Uruan incident, but declined to make an apology for the acts of her officers. It was understood that the United States counseled compliance in full with the terms of the British ultimatum. No definitive settlement has as yet been reported. In June news came of another frontier incident, a British surveyor having been seized by the Venezuelans

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while engaged in opening a road in a region east of the Schomburgk line. At the instance of the United States the Venezuelan government at once released the prisoner. — In **Brazil** the last ten days of August were characterized by riotous demonstrations in Sao Paulo, Rio Janeiro, Bahia and other towns against the numerous Italians settled there. The occasion of the movement was the discussion in the national congress of a treaty which had been negotiated for the settlement of losses suffered by Italians during the recent civil war. In consequence of the popular disorders, the congress, after passing the proposed law through two readings, rejected it by a unanimous vote on the third, and the minister of foreign affairs, who had negotiated the treaty, resigned. The Italian government withdrew its minister from Rio Janeiro and demanded reparation for the destruction of its consulate at Bahia by the rioters. When order had been restored the Brazilian government promptly complied with this demand. The friction with Great Britain as to the right to the island of Trinidad was terminated in August by the formal abandonment of the island by the British. — **Chili** passed, during the summer, through the crisis of a disputed presidential election. After two months of excitement and threats of civil war the congress decided by a vote of 62 to 60 in favor of Errazuriz, the Conservative candidate, and this decision was enforced by the existing Liberal executive. — A treaty was agreed upon in May for the settlement of the long-standing boundary dispute between Chili and the Argentine Republic. It provided for the reference of further differences to the queen of England as arbitrator. Not much confidence is manifested by the initiated in the efficiency of this agreement, and the warlike preparations that have for some time taxed the resources of both governments show no signs of relaxation.

WM. A. DUNNING.

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